

27th March 1940

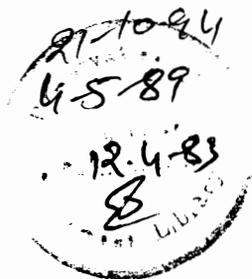
THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume III, 1940

(27th March to 6th April, 1940)

ELEVENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Wednesday, 27th March, 1940.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RECRUITMENT OF MUSLIMS ON THE ASSAM BENGAL RAILWAY.

524. ***Shahkh Rafuddin Ahmad Siddique:** (a) With reference to my starred question No. 224, asked on the 19th September, 1939, regarding the recruitment of Muslims on the Assam Bengal Railway, will the Honourable Member for Railways be pleased to state whether the Honourable Member has since received the particulars which he said that he did not possess at that time?

(b) If the reply to part (a) be in the negative, is the Honourable Member prepared to ascertain immediately those particulars, as Appendix F of Volume I and Appendix C of Volume II of Railway Board Reports, referred to in answer to my question No. 224, is not at all sufficient for the particular information wanted?

(c) Will the Honourable Member be pleased to state the percentage of Muslim employees drawing Rs. 100 and upwards on the Assam Bengal Railway in December, 1939, and the comparative percentage of Hindus and Anglo-Indians for the same period and on the same pay and grade?

(d) Are Government aware that "over all" percentage is misleading and such percentage is made up by Muslim employees being placed on the lowest grades of Rs. 20 or about?

(e) Is 36.2 on Assam Bengal Railway a percentage taken on the basis of "over all percentage" and includes trolley clerks and others getting Rs. 20 or so as pay?

(f) Will Government be pleased to state the number and percentage of Muslims on the Assam Bengal Railway in officers' grade and upper subordinate grades as they existed on the 31st December, 1939?

The Honourable Sir Andrew Clow: (a) No.

(b) No, the Appendices of the Report by the Railway Board on Indian Railways referred to are the only information available to Government.

(c) I have no information beyond that referred to in my reply to part (a) of the Honourable Member's question No. 224 on 19th September, 1939.

(d) No.

(e) 36.2 is the percentage of the number of Muslims recruited permanently to the total of all communities recruited permanently during the four years 1935-36 to 1938-39. It will include the recruitment of trolley clerks and others getting Rs. 20 or so as pay if they are classified as subordinates by the Assam Bengal Railway, but not otherwise.

(f) I regret that figures are not available for the 31st December, 1939, but on the 31st March, 1939, the percentages of Muslims among gazetted officers and subordinates on scales of pay rising to Rs. 250 per mensem and over were 10.9 and 3.7 respectively.

Mr. Muhammad Nauman: With reference to your reply to (c), in view of the fact that even the Inquiry Commission which has been appointed to look into the percentage of recruitment is limited to the State Railways, will it not be desirable that the Honourable Member should get this information?

The Honourable Sir Andrew Clow: Not in my view.

AGREEMENT OF THE NORTH WESTERN RAILWAY WITH THE MANAGING DIRECTOR OF THE JAGADHRI LIGHT RAILWAY.

†525. ***Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please state whether it is a fact that the North Western Railway Administration entered into an agreement on the 20th August, 1911, with the Managing Director, Jagadhri Light Railway?

• **The Honourable Sir Andrew Clow:** Yes.

GRIEVANCES OF MUSLIM EMPLOYEES OF THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

†526. ***Mr. Muhammad Azhar Ali:** (a) Has the attention of the Honourable Member for Railways been drawn to the grievances of the Muslim Railway employees of Moradabad Division of the East Indian Railway, as published by the *Young Muslim Weekly* of Delhi, on the following dates and under the captions noted against each:

Volume II, No. 10, dated the 5th January, 1940, "Bulletin for Justice".

Volume II, No. 11, dated the 12th January, 1940, "Adverse treatment to Muslims on E. I. R.".

Volume II, No. 12, dated the 19th January, 1940, "Step-Motherly treatment with Muslims on the E. I. R."?

(b) What action has been taken to investigate the complaints detailed in the above issues of the *Young Muslim*? If no action has been taken so far, does the Honourable Member propose to take any action now to investigate the complaints of Muslim victimisation? If not, why not?

(c) If investigations are proposed by the Honourable Member, will he be pleased to lay on the table of the House the result of his investigations? If not, why not?

†Answer to this question laid on the table, the questioner being absent.

The Honourable Sir Andrew Olow: (a) I have seen the articles referred to.

(b) As regards the first part, no action has been taken by Government. The answer to the second part is in the negative; it is open to officials who feel that they have not received equitable treatment to make representations through the proper channel.

(c) Does not arise.

FIXATION OF PAY OF RETRENCHED HANDS OF COMPILATION SECTION OF THE NORTH WESTERN RAILWAY ON RE-APPOINTMENT.

527. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Railways be pleased to state if it is a fact:

- (i) that certain retrenched hands of Compilation Section, North Western Railway, were offered appointments in July, 1935, by the Chief Accounts Officer in old scales of pay;
- (ii) that they were reappointed in the Compilation Section, Chief Accounts Officer's Office, North Western Railway, Lahore, in the old scales of pay and were subsequently confirmed in the old scales of pay;
- (iii) that though they were originally fitted on initial pay of the grade, yet on subsequent representation to the Controller of Railway Accounts, New Delhi, they were given benefit of their previous service in the fixation of pay in old scales of pay; and
- (iv) that in 1936, on receipt of Agent's letter No. 220/E/O/IV, dated April, 1936, they were fitted in the new scales of pay, in spite of the above facts and in spite of the fact that the Compilation Section had since been transferred to the Accounts Department?

(b) If the reply to part (a) be in the affirmative, is the Honourable Member prepared to reconsider their case and remove the hardship to the staff?

The Honourable Sir Andrew Olow: I would refer the Honourable Member to my reply to starred question No. 99 asked by Bhai Parma Nand on the 15th February, 1940.

QUALIFICATIONS OF SUB-EDITORS OF SARANG AND AWAZ.

†528. *Pandit Krishna Kant Malaviya: (a) With reference to part (f) of starred question No. 244, answered on the 1st March, 1940, will the Honourable Member for Communications please state whether the present incumbent is not going to remain the editor of the *Sarang*, the *Awaz* and the *Indian Listener* from 1st April, or some other date in the near future? If so, who is going to succeed him, and what are his qualifications in Hindi?

(b) Why has Hindi *Sarang* been attached to Urdu *Awaz* and not kept separate like Bengali and Tamil programme magazines of All-India Radio?

†Answer to this question laid on the table. the questioner being absent.

(c) What are the Hindi qualifications of the sub-editor in charge of the *Hindi Sarang*?

(d) How much money is being spent on the editing of the *Sarang* and the *Awaz*, respectively?

(e) What are the qualifications of the sub-editor of the *Awaz* in English?

The Honourable Sir Andrew Clow: (a) The reply to the first part is in the affirmative. Mr. S. N. Ghosh has been selected for the post of Editor on the recommendation of the Federal Public Service Commission. He can read and speak Hindi.

(b) These journals, unlike the Bengali and Tamil journals of All-India Radio, are published at the same place. They are two versions of the same magazine and it is both economical and administratively convenient to have them under the same editorial management.

(c) and (e). The Sub-Editor has had eleven years of editorial and managerial experience and has published, I understand, both translations of English authors and stories in Hindi.

(d) The Sub-Editor is in receipt of a salary of Rs. 170 and is assisted by a Hindi Translator for the *Sarang* whose salary is Rs. 60 per mensem.

GATHERINGS OF HINDUSTANI POETS ORGANISED BY THE ALL-INDIA RADIO.

†529. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state how many gatherings of Hindustani poets were organised at various stations of the All-India Radio in the year ending 31st December, 1939?

(b) How many of them were Urdu ones, i.e., *mushairas* and what amount of money was spent on them?

(c) How many of them were Hindi ones, i.e., *Kavi Sammelans*, and how much money was spent on them?

The Honourable Sir Andrew Clow: (a) Three.

(b) Two. Rs. 170.

(c) One. Rs. 65.

AUTHORS OF DRAMAS BROADCASTED BY THE ALL-INDIA RADIO.

†530. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state how many of the Hindustani dramas broadcast during the year ending 31st December, 1939, were written by Hindi authors and how many were written by Urdu authors?

(b) How many Hindustani programme assistants are at present in charge of Hindustani dramas at various stations of the All-India Radio? Out of them, how many are Muslims and how many Hindus? What are their qualifications in Hindi? Do they also merely "understand" Hindi?

(c) Is it a fact that the All-India Radio has broadcast several Hindustani dramas dealing with Hindu religion and culture but written by Muslim Urdu writers? Also have they been played by such actors who are ignorant of Hindi?

†Answer to this question laid on the table, the questioner being absent.

(d) How much money has been paid to Urdu drama writers and how much to Hindi drama writers in the year ending 31st December, 1989?

The Honourable Sir Andrew Clow: Information is being collected and will be laid on the table in due course.

HINDI-KNOWING PERSONS ON THE HINDUSTANI PROGRAMME STAFF OF THE ALL-INDIA RADIO.

†531. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state how many Hindi knowing persons are on the Hindustani programme staff of the All-India Radio? Do they also merely "understand" Hindi? If not, what are their qualifications in Hindi?

(b) Out of them, how many are such who have worked on the staff of Hindi newspapers, magazines, etc., or whose Hindi works have been published?

The Honourable Sir Andrew Clow: (a) Twelve. All of them have an adequate knowledge of Hindi, and several of them have academic qualifications in Hindi or Sanskrit.

(b) Three.

USE OF HINDI WORDS IN TALKS TO BE BROADCASTED BY THE ALL-INDIA RADIO.

†532. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state whether it is a fact that Hindi talkers are asked to take Hindi words out of their talks to be broadcast from the All-India Radio stations and to substitute Urdu words in their place?

(b) Are Government aware that several times Hindi talkers have resented this and, due to their opposition, they were not given talks afterwards?

(c) Are Government prepared to make a declaration regarding their policy in this connection?

The Honourable Sir Andrew Clow: (a) and (b). No.

(c) Talkers are encouraged to use simple language and as far as possible to avoid obscure and difficult words, whether Urdu or Hindi.

SHARE OF HINDI LANGUAGE IN HINDUSTANI PROGRAMMES OF THE ALL-INDIA RADIO.

†533. ***Pandit Krishna Kant Malaviya:** (a) Is the Honourable Member for Communications aware of the feeling that Hindi is not receiving as much consideration as Urdu and other languages in the All-India Radio?

(b) Are Government prepared to take steps to give Hindi language its due share in Hindustani programmes of the All-India Radio by appointing on the programme staff of the All-India Radio such persons who not merely "understand" Hindi, but are well versed in Hindi? Do they propose to clarify their policy in this connection?

†Answer to this question laid on the table. the questioner being absent.

The Honourable Sir Andrew Clow: (a) I am not aware of any general policy of this kind.

(b) The attention of the Honourable Member is invited to the reply given by me today to part (a) of his starred question No. 531. In the recruitment of programme staff, due regard is paid to the linguistic qualifications of the candidates.

PROPOSAL TO APPOINT A PERSON TO DEAL WITH HINDUSTANI PROGRAMMES OF THE ALL-INDIA RADIO.

†534. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state whether some person is going to be appointed in the near future to deal with Hindustani programmes of the All-India Radio?

(b) If so, are Government prepared to see that such a man is appointed who not only "understands" Hindi but has a thorough knowledge of Hindi language?

(c) Will the Honourable Member please state how his knowledge of Hindi is to be tested?

The Honourable Sir Andrew Clow: (a) There is no proposal to appoint at present an officer to deal peculiarly with Hindustani programmes.

(b) and (c). Do not arise.

STARTING OF SANSKRIT MUSIC PROGRAMMES IN THE ALL-INDIA RADIO.

†535. ***Pandit Krishna Kant Malaviya:** (a) Will the Honourable Member for Communications please state why Persian music programmes have also been added to the All-India Radio programmes?

(b) Is it the intention of Government to take up at the All-India Radio programmes of various classical languages?

(c) If so, why have they neglected Sanskrit language?

(d) Are Government prepared to start Sanskrit music programmes also like Persian ones? If not, why not?

The Honourable Sir Andrew Clow: (a) In order to provide entertainment for listeners to the Persian programmes.

(b) No.

(c) Does not arise.

(d) No. Because Government do not intend to introduce a broadcast service in Sanskrit.

SELECTION OF HINDUSTANI TRANSLATORS FOR THE ALL-INDIA RADIO.

†536. ***Pandit Krishna Kant Malaviya:** (a) With reference to part (a) of starred question No. 245, answered on the 1st March, 1940, will the Honourable Member for Communications please state why 30 Muslims and only 16 Hindus were called in the test to select Hindustani Translators for the All-India Radio news bulletins?

*Answer to this question laid on the table. the questioner being absent.

(b) With reference to part (a) of starred question No. 244, answered on the 1st March, 1940, will the Honourable Member for Communications please state what he means by saying that all the Hindustani translators selected "understand" Hindi? Does it mean that they possess thorough knowledge of Hindi?

(c) Can these Hindustani translators translate news in as good Hindi as Urdu?

(d) Why none of the Hindustani translators with experience of Hindi journalism has been selected?

(e) Are Government ready to use Dev Nagri script also in Hindustani news bulletins? If not, why not?

The Honourable Sir Andrew Olow: (a) Because only those candidates were called whose applications indicated that they possessed the prescribed qualifications.

(b) and (c). All the translators understand spoken Hindi and two of them use the Devanagari script. The Hindustani translators can translate news into good Hindustani. A comparative test of their ability to translate into Hindi and Urdu has not been held.

(d) Because a suitable translator with experience of Hindi journalism was not available.

(e) As a script cannot be broadcast, Government see no need to issue any instructions.

INTRODUCTION OF HINDI NEWS BULLETINS IN THE ALL-INDIA RADIO PROGRAMMES.

†537. *Pandit Krishna Kant Malaviya: (a) Will the Honourable the Communications Member please state whether Government propose to introduce Hindi News Bulletins as well in the All-India Radio programmes?

(b) If not, are they prepared to arrange the present four Hindustani News Bulletins in such a way that two of them remain in Urdu, predominating Hindustani written in Persian script, like the present ones, and the other two in Hindi predominating Hindustani written in Dev Nagri script? If not, why not?

The Honourable Sir Andrew Olow: (a) No.

(b) No. This would unnecessarily restrict the number of listeners to each bulletin.

INTRODUCTION OF SANSKRIT NEWS BULLETINS IN THE ALL-INDIA RADIO PROGRAMMES.

†538. *Pandit Krishna Kant Malaviya: (a) Will the Honourable Member for Communications please state why Persian News Bulletins have been introduced in the All-India Radio programmes?

(b) Have they been introduced for Persian knowing Indian public? If so, are Government prepared to introduce Sanskrit News Bulletins also for Sanskrit knowing Indian public? If not, why not?

*Answer to this question laid on the table, the questioner being absent.

(c) Have they been introduced for the benefit of foreign countries on the North West Frontier of India? If so, are Government prepared to introduce News Bulletins in Nepalese language as well? If not, why not?

The Honourable Sir Andrew Clow: (a), (b) and (c). Persian news bulletins are given for the benefit of Persian speaking people on and beyond the borders of British India. Government do not consider it necessary to introduce Sanskrit or Nepalese news bulletins.

COMMUNAL COMPOSITION OF INSTRUCTORS AT THE WALTON TRAINING SCHOOL.

539. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the number of Instructors at the Walton Training School of the North Western Railway, community-wise?

(b) Is it a fact that the number of Muslim Instructors is very small as compared with other communities?

(c) Are these posts filled by selection or by nomination?

(d) If they are selected, what is the basis of their selection and what qualifications are required for them?

(e) If they are selected on the recommendations of the Divisional Superintendents, what are the number of such men recommended by the Divisions during the last two years, community-wise?

(f) Will the Honourable Member please state what steps Government propose to take in respect of the meagre representation of the Muslim community in the Walton Training School?

The Honourable Sir Andrew Clow: (a) Ten Hindus, five Muslims, two Europeans, one Anglo-Indian, and one Sikh.

(b) No.

(c) By selection.

(d) Candidates for Instructors' posts are selected by Headquarters from staff recommended by Divisional Superintendents. They then have to undergo an Instructor's Course, and the final selection is made on the basis of the results obtained at this Course and their capabilities as lecturers.

(e) Does not arise, but the number of candidates recommended by Divisions and Heads of Departments during the last two years is 33 Hindus, 13 Muslims, five Sikhs and one European.

(f) Does not arise.

COMMUNAL COMPOSITION OF CLERKS EMPLOYED IN THE CONFIDENTIAL BRANCH OF THE NORTH WESTERN RAILWAY.

540. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state the number of clerks employed in the Confidential Branch of the North Western Railway, community-wise, with comparative percentage?

(b) Is it a fact that a Muslim clerk or stenographer has never been employed in the Confidential Section during the whole of its history?

(c) Is it a fact that the question of the paucity of Muslims in this Section has been represented more than once through different mediums?

(d) If the reply to parts (b) and (c) above be in the affirmative, will the Honourable Member please state what steps have so far been taken to redress the grievances of the Muslim community?

The Honourable Sir Andrew Clow: (a).

Community	Number	Percentage
Anglo-Indians	1	Per cent. 25
Hindus	2	50
Muslims	1	25

(b) No.

(c) I have seen the Honourable Member's question No. 1001, asked on 13th March, 1939, but I am not aware of any representation.

(d) Does not arise.

Dr. Sir Ziauddin Ahmad: What is the percentage fixed for the North Western Railway. Is it 60 per cent. or 25 per cent.?

The Honourable Sir Andrew Clow: For recruitment to subordinate grades, 60 per cent.

RESTRICTIONS IN EDUCATIONAL QUALIFICATIONS IMPOSED ON RECRUITMENT AND PROMOTION OF STAFF ON THE NORTH WESTERN RAILWAY.

541. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state what new restrictions in educational qualifications, etc., have been imposed on recruitment and promotion of staff employed on the North Western Railway, including the Accounts Branch, since the fixation of percentage for Muslims and other minority communities?

(b) If any new restrictions have been imposed, what effect had such restrictions on the recruitment and promotion of the Muslims and other minorities?

(c) Have these restrictions, referred to above, in any way adversely affected the Muslims and other minority communities?

The Honourable Sir Andrew Clow: (a) to (c). Educational qualifications for various categories of non-gazetted railway staff were laid down by the Railway Board in 1931. Under the rules for the recruitment of non-gazetted staff, General Managers were empowered to modify those rules in special circumstances. In some cases General Managers have insisted on a higher educational qualification than that laid down in the

rules for direct recruitment, but there is no evidence to show that this has adversely affected the recruitment of Muslims or other minority communities nor has it been done with that purpose in view.

I have no information of the imposition since 1934 of any restriction in educational qualifications for the purpose of regulating promotions, but if the Honourable Member has any particular restriction of this character in view and will furnish particulars, I am prepared to make enquiries.

Dr. Sir Ziauddin Ahmad: May I ask about the restrictions in educational qualification? Is it observed only at the time of the first recruitment, or also observed at the time of promotion?

The Honourable Sir Andrew Clow: I am afraid I must ask for notice of that question. I don't know which grade the Honourable Member has in view.

Maulana Zafar Ali Khan: May I draw the attention of the Honourable Member to the fact that there is a general impression abroad that Mussalmans can be had in very large numbers for all grades of services, but when the time comes for appointment, they are debarred on the plea of inefficiency?

The Honourable Sir Andrew Clow: I am sorry to hear that there is such an impression. I hope the Honourable Member will assist me in dispelling it.

FREE SPECIAL PASSES ALLOWED ON THE NORTH WESTERN RAILWAY.

542. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Railways please state whether it is a fact that free special passes are allowed on the North Western Railway to officers and subordinates who are entitled to second class passes for the carriage of their live-stock?

(b) Is it a fact that up to 1935 or 1936 such passes were allowed for any distance, and in 1936 a circular was issued by the General Manager to all subordinate offices that requests for such passes from long distance should be discouraged?

(c) Is it a fact that, due to instructions referred to in part (b) above, requests of subordinate staff for such passes from a short distance, say, about 200 miles, recommended by the Divisional Superintendent, were refused by the General Manager, whereas such passes have not been refused in a single instance to officers and even passes have been sanctioned to them for a distance of 400 to 500 miles?

(d) If the reply to parts (a) to (c) above be in the affirmative, are Government prepared to ask the General Manager to remove this distinction between officers and subordinates in this respect? If not, why not?

(e) Will Government please lay on the table of the House a statement showing particulars of passes issued or refused to officers and subordinates separately, during the years 1936, 1937, 1938 and 1939?

The Honourable Sir Andrew Clow: (a) Yes.

(b) Yes, but the distance was limited to that between the employees' home and serving stations. The answer to the second part of the question is in the affirmative.

(c) I am informed that each application is dealt with on its merits and such passes have been refused to officers in several instances.

(d) Does not arise.

(e) I understand that a large number of such passes is issued every year and that no record of the passes has been kept in the Headquarters office. I regret that I cannot ask the Administration to devote the time and labour necessary for the compilation of the information required.

POSTS IN THE SUPERIOR RAILWAY SERVICES FILLED BY DIRECT RECRUITMENT.

543. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state what was the total number of posts in the superior Railway Services, vacancies in which were filled by direct recruitment, before the creation of the Lower Gazetted Service?

(b) From which date were these posts split up into the junior scale posts and lower gazetted service posts on each of the four State Railways, and what was the number allotted to each of these two services?

(c) What is the number of posts, community-wise, filled since then during each year by direct recruitment and by promotion to each of these two services, separately, on each of the four State Railways?

The Honourable Sir Andrew Clow: (a) The total number of junior scale posts to which direct recruitment was made in the superior railway services of the State-managed Railways (excluding the Accounts, Colliery and Medical Departments) immediately prior to the date of creation of the Lower Gazetted Service was 360. There were also Lower Services in which there were 128 posts to which direct recruitment was made.

(b) The Lower Gazetted Service was created from 1st March, 1931, and the number of posts sanctioned as on that date was:

Junior Scale—391.

Lower Gazetted Service—191.

(c) Direct recruitment and promotion to the superior services is made for the State-managed Railways as a whole and not to individual Railways.

I lay a statement on the table giving the information required by the Honourable Member with regard to the superior services for the State-managed Railways as a whole. Information by communities for each of the four State-managed Railways of appointments to the Lower Gazetted Service is not readily available for the whole period referred to by the Honourable Member. I lay a statement on the table showing the appointments to the Lower Gazetted Service by communities for each of the four State-managed Railways for the period 1934—39.

Recruitment made to the Superior Services of State-managed Railways

Year	Europeans		Hindus		Muslims		Anglo Indians and Domiciled Europeans		Sikhs		Indian Christians		Other Communities	
	Direct	Promotion	Direct	Promotion	Direct	Promotion	Direct	Promotion	Direct	Promotion	Direct	Promotion	Direct	Promotion
1931-32	7	1	2	5	1		1	4						
1932-33	3	1	1	1	1		1	1				1		
1934-35	8	..	6		3	..	..	..	..	1		1		2
1935-36	2	1	16	2	6	1	2	2	1	1	1	1		
1936-37	3		11	1	2		2	2	2	1	1			
1937-38	3	4	11	2	4		2	2	1	1				1
1938-39	1		7	1	3	..	2	1				1		1
Total	27	7	54	12	20	1	8	12	4	2	5	1	4	..

NOTE.—There was no recruitment in 1933-34.

Appointments to the Lower Gazetted Service from 1934-35 to 1938-39 by Communities and Railways

	Eastern Bengal	East Indian	Great Indian Peninsula	North Western
Europeans	2	27	15	25
Hindus	10	9	4	14
Muslims	1	..	2	4
Anglo-Indians and Domiciled Europeans	5	14	10	10
Sikhs		1	..	2
Indian Christians . . . . .		..	4	
Other Communities . . . . .	..	..	4	..
Total	18	51	39	55

RESOLUTION RE ENACTMENT OF LABOUR LEGISLATION ON CERTAIN LINES— contd.

Mr. President (The Honourable Sir Abdur Rahim). Resolutions. Mr. Essak Sait has to continue his speech.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): On the last occasion when I moved my Resolution, on the 28th February, within the few minutes at my disposal, I just stated what the purpose of this Resolution was. I will just remind the House of it in a few words as possible. What my Resolution aimed at was really to revolutionise the policy of the Government of India and of this country towards the industrial progress of this country. I then said that hitherto the policy of the Government of India and of this House has been to see that through adequate protection the industrialist is secured a good profit. I maintain that this policy has borne ample fruit, that under the protective policy of this country our industries have prospered and in certain cases they have prospered even beyond our dreams. I want to bring to the notice of the House that the time has now come when we should direct our attention to certain other aspects of the industrial regeneration of our country and by this Resolution which is drawn up on rather vague lines, I want to draw the attention of this House and through this House of the country to the burning question of the contentment of the labourers of this land.

I will now try to explain what the Resolution aims at. As regards sub-clause (a), namely, 'A representative of workmen should sit on the Boards of Directors and Boards of Management (if any) of all the public companies', I may say, Sir, that this Resolution in itself is not legislation. It is only laying down certain principles under which it is requested that legislation should be introduced in this country, and, therefore, this Resolution is certainly not a complete scheme. There are vague items in it, there are items which require clarification, there are items which require enquiry, conclusions and so on; but, as I have said, the object of my Resolution is

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not so much the presentation of a complete scheme before this House, as stimulating thought on these very burning and all-important questions and that is why this is drawn up in rather vague terms. This, however, recommends to the Government that after due enquiry and consideration, legislation that may be necessary may be introduced to bring in the conclusions that this Resolution aims at.

[At this stage, the Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar entered the Chamber, and the House gave him a warm reception.]

I am sure, Sir, the House will join me in congratulating the Honourable Sir Ramaswami Mudaliar on his complete recovery from injuries he sustained in a grave accident the other day. My pleasure is greater as he is here to listen to my remarks in connection with this Resolution.

Sir, I explain what the Resolution requires the Government to do.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): What is the definition of 'public companies'.

Mr. H. A. Sathar H. Essak Sait: As defined by the Indian Companies Act. My Resolution wants first of all that a representative of workmen should sit on the Boards of Directors and Boards of Management (if any) of all the public companies. Public companies have been defined in clause 2, sub-clause 13(a) of the Indian Companies Act and that is what I mean by 'public companies'. I want it to be provided that in all such companies, at least one Director should represent the workers and the labourers working for that company or for that concern. First of all, it may be considered rather an unnecessary interference with the private management of private concerns and it may be considered to be an innovation. It may be considered to be something unheard of. As a matter of fact I heard the other day my Honourable friend, Bhai Parma Nand, asking whether anywhere in the world the State has tried to interfere with private management and to curtail dividends and that sort of thing. Fortunately for me, Sir, I have here some of the Statutes passed by this very House wherein we have exercised our right of interfering even with private management where we have found it necessary. I will just quote from section 48 of the Insurance Act which was passed by this House in the year 1938. Section 48 provides for a specified proportion of the Directors of Insurance Companies being filled up in a particular manner. Section 48 (i) says:

"Where the insurer is a company incorporated under the Indian Companies Act, 1913 and carries on the business of Life Insurance, not less than 1/4th of the whole number of Directors of the Company shall be persons having the prescribed qualifications and holding Policies of Life Insurance issued by the Company."

Sir, I claim that this gives me the necessary precedent for sub-clause (a) of my Resolution, which seeks to provide the same for labourers.

Now we come to sub-clause (b) which tries to restrict the dividend that may be distributed to the share-holders. Here also, Sir, I stand on firm ground. It may be said that the State should not interfere in these matters but the State has, and our own Legislature has, interfered, in these matters also. I have here the Reserve Bank of India Act, 1934, in which section 47 lays down the maximum percentage of dividends that may be distributed to the shareholders. It will be seen, therefore, Sir, that this

Statute of ours, the Reserve Bank of India Act of 1934, has already done what I wish may be done in favour of the labourers. Therefore, Sir, any objection that may be raised against clause (b) on this ground should not also find any support in this House. So far as the surplus is concerned, sub-clause (c) embodies the necessary provision for the utilisation of surplus after distributing the dividend as provided for in sub-clause (b). Once, therefore, (b) is accepted, (c) becomes absolutely necessary so that the surplus may be spent for the benefit of the labourers. Of course the surplus profit after paying the working expenses, depreciation, dividend to shareholders and other taxes should be deposited in a reserve fund, which should be available for the benefit of workmen, other employees and the shareholders in specified proportion. Sir, as I have said this is not a complete scheme. It is the legislation which may be introduced later on, God knows when, which will provide for all these things completely.

Now, I come to sub-clause (d) of my Resolution which runs thus:

"No person connected with the management of the Company should get more than two thousand rupees in salary and allowance with the exception of experts who may be appointed for a short period."

I believe nobody in this House will consider Rs. 2,000 as a low maximum. Certainly, a maximum has to be set to the salaries in this country. It is the standing complaint that in this country the Government officers get much more than they are given in any other part of the world. The same thing is going on with private-managed companies also. Where the companies are prosperous a very great amount of the profits goes by way of salaries because the very people who receive these salaries have the right of fixing their salaries and they vote for them. That is the difficulty. Therefore, this House must now firmly put down this practice and support at least the recommendation which my Resolution embodies. I hope that this part of my Resolution will commend itself to all sections of the House.

Then, I come to part (e) of my Resolution, which says:

"The profit should not be spent on capital expenditure without the consent of the Committee of Management of the Benevolent Fund."

We should also see that the surplus is to be used purely for the purpose of labourers and workers.

This, Sir, in short, is my Resolution. The background of this Resolution has to be understood so that the urgent need for some action on these lines may be clearly understood. Nobody will deny the need for contented labour in this country. The menace to peace and prosperity of any country that springs from a discontented labour is a thing which I need not emphasise. We have to admit that, thanks to our friend, Mr. Joshi and his co-workers, we have in this House slowly built up an edifice of labour legislation of which we can certainly be proud. But the time has come when we have to go a step further. We have to see that labour gets not only a few benefits here and there but that it becomes contented. In order to make labour contented, my belief is that it must be given a share in the industry itself. The labourers must be made part-owners and then alone can we hope to have contentment among them. This can be done in two ways. We can expect the employers to realise the position in the country and then proceed to do whatever is necessary. But we have waited long enough and I do not think we have made much improvement. It is true that under the compelling forces of the various legislative measures passed in this country time

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and again the position of the labourers has improved but it is not because of the good-will of the employers. I maintain that the general mentality of the employers has not improved very much. Of course, there are always honourable exceptions. That is why I say that we must now proceed with our legislation and go a step further. Sir, employers generally have a tendency of sweating labour and giving them as little as possible. This state of affairs, as I said, is a great menace to this country and the time is over-ripe for us to step in and save the situation. A piece of legislation more or less on the lines suggested by me will, in addition to giving to the labourers complete contentment, help the industrial progress of this country. Labourers will find a new interest in their work because under my scheme of things they will become part-owners of the concern and sharers in the profits earned by their exertions. That will certainly help forward the industrial progress of this country and also make labour contented. The natural corollary of it will be that peace and plenty will reign in this country. Sir, I move.?

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

"That this Assembly recommends to the Governor General in Council to take immediate steps for labour legislation providing the following points:

- (a) A representative of workmen should sit on the Boards of Directors and Boards of Management (if any) of all the public companies.
- (b) No company should be permitted to declare more than 6 per cent. dividend to be distributed among the share-holders. If the dividend falls short from the bank rate of interest in any year it should be treated as a liability to be made good from the profits of the future years.
- (c) The surplus profit after paying the working expenses, depreciation, dividend to share-holders and other taxes should be deposited in a Benevolent Fund, which should be available for the benefit of workmen, other employees, and the share-holders in specified proportion. The Benevolent Fund should be independent of the Provident Fund, if any, and it should be administered by a Committee, which should include a nominee of the Government and the representatives of workmen and of the Board of Directors.
- (d) No person connected with the management of the Company should get more than two thousand rupees in salary and allowance with the exception of experts who may be appointed for a short period.
- (e) The profit should not be spent on capital expenditure without the consent of the Committee of Management of the Benevolent Fund."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, we should be very thankful to Mr. Essak Sait for bringing to our notice this very important aspect of the labour problem. We know that the labour problem is now becoming a very important one and the Government of India as well as the other Governments of the world have been trying to solve this problem in some way or other. We know that ever since the advent of democracy, power was naturally transferred from the hands of a few to the general public, most of whom were labourers with the result that the labourers naturally began to assert themselves. When we had the monarchical system of Government, it was possible to rule the public simply by command, but in these days when the power is transferred from the few to the many, it is very difficult to withhold the rights of the labourers themselves. This principle has been recognised now in every country of the world, and I think we ought to take up this problem in the right spirit.

We have seen on the agricultural side that all the Provincial Governments have realised that the landlords cannot rule over the tenants in the same way as they ruled over them in the past, because the tenants have now got the majority of votes and they cannot tolerate what the zamindar used to do in the old days. They are now, therefore, revising the tenancy legislation in every province, and some of the Governments have gone so far as to say that these zamindars should not exist at all. Their rights may be purchased by the Government and handed over to the tenants or to the labourers

Now, Sir, this principle which is being very vigorously pursued by all the Provincial Governments in the field of agriculture, it is only natural that it should have its repercussion in the field of industries as well. The Government of India recognised long ago the necessity of some kind of legislation to protect labour. The first legislation which they introduced was in 1859 for the protection of labour in Assam. This legislation was more to protect the employers than the employees, and this did not go far enough. Then, they were compelled to have another factory legislation in Bombay and other places, but really no definite step was taken in this direction till the International Labour Office came into existence after the treaty of Versailles and the formation of the League of Nations. At the instance of the International Labour Office and the conventions they had for the protection of labour, the Government of India created the Labour Department in 1920 and then they began to legislate for the protection of labour and they passed several enactments. There was first the factory legislation, then the Workmen's Compensation Act of 1923, followed by the Trade Union Act, and then came the Trade Disputes Act, 1927, and then followed the Payment of Wages Act and also the Mining Acts. Therefore, they had gone a long way to protect the interests of labour by passing these legislations, so that they may not be oppressed too much. That has been the policy pursued by the Government of India.

Now, Sir, I submit, I drew the attention of the Assembly in 1936 that this method was not the correct one and that this would not solve the problem. On 8th September, 1936, I said:

"Now, Sir, coming to the share of the labourers, I think, it is very desirable that the labourers should be permitted to participate in the profits of a concern. It is a thing which is completely ignored in this country. If there is a surplus profit, the labourers ought to get a certain bonus out of the profit he helps to make. I think if we introduce a system of this kind, many of the troubles which we are witnessing today like strikes and lock-outs will be minimised to a considerable extent, if not disappear altogether. I think, Sir, it is only fair that we should divide the profits equally among the shareholders, the labourers and the consumers."

This was what I said in 1936. I did so on account of my personal experience in Germany in 1933. When I went there, I happened to visit several factories, and I found there was no strike in the factories. There was no Hitlerism in those days. I found the same thing during my visit in 1924. When I made personal enquiries of the people, they said: "We do not want to have any strike, because we find that our employers, the capitalists, do not get enough. We are getting our fair share of the work and our fair share of wages. The moment we see that out of our work, certain individuals who invested the capital get the entire profits, then there will be discontent amongst us". This is very natural. If you remove this discontentment from the labourers, then there will be no

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strike, there will be no necessity to pass any of the legislations which we have been passing in this House. We are going about the business in the wrong direction. We are keeping dissatisfaction and discontentment as it is, we are keeping the problem unsolved, we are trying to solve the problem partially by these enactments. My Honourable friend, Mr. Essak Sait, has initiated this debate only for this reason, namely, to show to the Government that the method we have been following is not an effective one. You must keep the labourers contented. The moment they are contented, there will be no strike, there will be no need for any legislations which we are passing today. Therefore, the Resolution now under discussion simply requests the Government to change their angle of vision in approaching the labour problem, that is, you should not perpetuate discontentment and keep the problem as it is, or try to solve it partially here and partially there. That is not the correct thing. The only way in which you can make labour contented is to make everybody feel that they are all partners of the concern and that they are equally interested, that is, the men who have invested the capital, the shareholders, the capitalists and the workers. Everybody who is connected with the industry should equally be benefited and it should be the duty of everybody to see that the industry is promoted and is made to flourish. I look at it from this point of view whenever we protect an industry and try to see that the industry flourishes, then for whose benefit do we do that. This is the first question I ask. Do we carry on this propaganda, do we protect these industries by the levy of heavy duties on consumers simply for the interest of a few persons? Suppose I have got some money and I invest it in some factory in Bombay. Am I to be protected for this reason because I have invested my money in the industry? The thing really to be protected is the industry itself. What is meant by protecting the industry? Protection of an industry means that you should remove unemployment, you protect an industry merely because by means of this we get more men employed. If these labourers are not given work in the industry, what is the use of protecting that industry? If the capitalists keep their employees in a naked form, if they are not given even their bare subsistence for the work they do, what is the use of protecting the industry? Secondly, we protect an industry in order to help the raw products of the country, that is, to help the primary producers, so that these factories may utilise the raw materials produced in the country and employ Indian labour in the manufacture of these finished products. Therefore, the very idea of protection of an industry really involves that we must have a contented labour, that we must have employment for these people and we should also assist the raw products of the country. It is not the idea that we should protect people who simply invest a large sum of money in the industry. It is not with a view to helping the shareholders to get fat dividends that we protect an industry. That is certainly foreign to the very idea of protection of an industry. I am really convinced of this fact that the moment we create an atmosphere in the country that the interests of all the persons concerned in the factory are identical, the shareholders, the capitalists, the directors, the managers and the workers, that all their interests are common,—that very moment all the people connected with the industry will be united and they will put their maximum efforts to see that the industry flourishes, and the result will be that there will be no lock-outs, no strikes and there will be no discontentment. The best principal on which to work out this

protection theory is to give a certain fixed percentage of profit—as in the case of debentures—to the people who invest capital in the industry. If you get more profit in the industry, it can be distributed equitably *pro rata* among those who are connected with the industry either as shareholders or capitalists or labourers. Of course, in this category come the people who risk their money by investment in the industry. After all, investing money in a company is a kind of risk, and those who invest money and take the risk must get some adequate benefit. But my suggestion is that they should take interest at double the bank rate of interest. Afterwards, if there is further profit, then they can be paid more.

My Honourable friend, Mr. Essak Sait, also said that they must take a salary of Rs. 2,000. In case there is more profit, they will get bonus. The most curious part is that in the case of big companies like the Tatas or the textile companies in Bombay, although they are making huge profits, they always complain that they are starving. I know that the man who says he is the poorest is often the wealthiest, and he never acknowledges his wealth. I, therefore, suggest that this practice of taking huge dividends should be put an end to. The head of the firm may get Rs. 2,000, and if there are more profits in the business, then the salary might gradually be raised to Rs. 4,000 in special cases when the company is in a prosperous condition. To the labourers also you should give a living wage and keep them contented, and afterwards give them a little bonus to make them feel that they will have some share of the profits. It is not possible, as Mr. Essak Sait pointed out, to fix an arithmetical proportion for the various interests, but he has laid a scheme along which we should pursue the matter, and if the matter is seriously taken up, such proportion can easily be discovered for distributing the profits. The Resolution says that the profits should first be utilised for working expenses, depreciation fund and all the other legitimate expenses. Even for the reserve fund something may be set aside; but any balance left over should not all go to the shareholders alone, but to every one who had helped to acquire that profit.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Dr. Sir Ziauddin Ahmad: Very well, Sir. If the workmen are convinced that they would get the benefit of these profits, the situation will greatly improve.

Here it is said that the Benevolent Fund will be distinct from the Provident Fund. The Benevolent Fund is really a pool in which all the profits have been put together for distribution among the various interests. Of course the shareholders will get their dividends and the workmen will have their shares transferred to the provident fund. The other important thing is to make the workers familiar with the working of the whole machinery, so that one of them may be taken into the directorate to look after the interests of the workers. If that is done, there will be no Bolshevism and the people will remain contented.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural): Sir, I will contribute a few words to the debate on this Resolution. The main thing in India is to increase and develop the industries which at present, instead

[Mr. Lalchand Navalrai.]

of being developed, are rather discouraged. Following other countries in everything, we find that there are disputes in India between the employers and workers which are causing great harm. But the industries in other countries are developed and helped by their Governments, whereas, we in India have to depend for their products on our own. The evil of strikes and lock-outs has come into India and

An Honourable Member: Thanks to labour leaders.

Mr. Lalchand Navalrai: Thanks to the employers also who want to be too greedy and take away all the profits leaving very little for the employees. The labourers get discontented and that leads to strikes and strifes. It is happening even now at this moment in Bombay. These disturbances are tackled by means of certain enactments, but, as Dr. Sir Ziauddin says, they will cease only if the labourers are satisfied and contented. Therefore it is the duty of Government to see that there are cordial relations between the employers and the employed; and for that purpose the causes of the dispute have to be explored and removed. This Resolution suggests certain means for giving relief to labour. I submit that the labour unions should be reconstituted or revised. There should be no sectional unions of Hindus, Muslims, etc., but joint unions so that they may be a real help to labour. At present these unions fight amongst themselves and the office-bearers take advantage of these quarrels and the labourers get no benefit. So it is the duty of Government to see that these unions work unitedly instead of fighting amongst themselves and claiming separate sectional unions to be recognised and affiliated. It is also necessary that the workers should join the employers in protecting their particular industries. It is their joint interest; production is made with the help of the workers and they should not be given only paltry salaries and fat sums to the men at the top. A good suggestion has been made in the Resolution that salaries should not exceed Rs. 2,000 and this should be seriously taken up. We cry against the top-heavy administration of Government Departments and ask for retrenchment and curtailment of expenses. Similarly the top-heaviness of these industrial organisations also should be reduced. Of course Government can decide how much each concern should give to its highest officers. But enough must be left for the poor labourer so that he may not cry every now and then. These differences between employers and workmen are due mostly to inadequate allowances and salaries—they cannot make both ends meet. The officers enjoy first-class salaries, whereas these poor men do not get enough to live in their own houses or boarding houses. After all, our workmen live in their own country: they do not live like Europeans in a hotel without a care. And they have to maintain their families. Therefore, we must go to the root cause which is that you must give some of the profit as bonuses or as provident fund and other facilities. It is only when you do that that labour will get contented. It is all very well to say that labour should be kept contented, but you have to find out how they can be kept contented. They do not go on strike just to satisfy their fancy: it is only because they cannot make both ends meet.

An Honourable Member: No.

Mr. Lalchand Navalrai: You may say "No", but I know employers are not giving proper consideration to this matter. The times when people could rule autocratically have gone. Labour is now vocal: formerly it was not, but now they are speaking through their unions and sometimes individually. They now understand the whole question and they cannot be trampled under foot. Those days are gone. Therefore, the suggestions made in this Resolution are very good suggestions. The first is that there should be representation of workmen on the board of directors of public companies. If this suggestion is carried out, representatives of labour sitting on the board will make their case known to the others and can exert pressure, instead of being stabbed behind their back as now. At present the directors, who are more or less the employers or owners, say "We will do this: we will divide the profits in this manner and we will do as we did in the olden days". Next, the Resolution says that not more than six per cent. should be declared as dividend for distribution to shareholders. That is a question for each individual concern, but it appears to be a fair suggestion. But we should not be bound down as to what the percentage should be. It must however be considered further. The third point is that the surplus profit should be deposited in a benevolent fund. This also is a good suggestion and my Honourable friend ought to be congratulated on this very salutary suggestion. It will go a great way to help labour and save the employers from day to day disturbances. They are not having any peace of mind now after all they are human beings also. Ask Honourable Members here who are concerned in trade and mercantile business whether they like these disturbances. If they do not, then they must join hands and make labour happy

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Mr. Lalchand Navalrai: I will finish, Sir. The fourth part of the Resolution says that no person connected with the management should get more than two thousand rupees in salary with the exception of experts. I agree that no person should get such a fat salary that it would benefit some and leave nothing for others. The last part says that the profit should not be spent on capital expenditure without the consent of the committee of management of the Benevolent Fund. This again will prevent things being done autocratically. Therefore, all these suggestions are very good and I support this Resolution.

Mr. E. L. C. Gwilt (Bombay: European): Mr. President, I cannot help feeling that the Resolution before the House has been moved by my Honourable friend, Sathar Essak Sait, with considerable reluctance. On a previous occasion on which he spoke upon it the House did not conceal their sympathy towards him, and you, Sir, were obliged to adjourn the business for lack of a quorum. The House has, therefore, had a month in which to compose itself. That was on the 28th February and from the remarks then made by my Honourable friend the Resolution appears to be directed to the profits earned particularly by protected industries, although the Resolution as printed refers to public companies. I can only suppose that none of the Honourable Members in whose name the Resolution stands—I think originally it was in more than one name—are either Directors or workmen of any public company, else I misjudge my fellowmen.

[Mr. E. L. C. Gwilt.]

The Resolution's first suggestion is that a representative of the workmen should sit on the Board of Directors, and whilst I sympathise with the motive behind this it is not, I think, the best manner in which workpeople's interests can be looked after. I would refer my Honourable friend to the many schemes in force in England where Committees of the staff have a considerable say in matters affecting their employment.

Paragraph (b) of the Resolution suggests that no company shall be permitted to declare more than six per cent. dividend to be distributed amongst its shareholders. This, however, pre-supposes that if this Resolution is accepted, and put into force there will be any money forthcoming for investments in an industry in which, under Statute, not more than six per cent. of dividend may be paid, for why should capital remain in India if it can earn greater dividends elsewhere? I would likewise enquire what my Honourable friend the Mover proposes shall be done when the bank rate rises to above six per cent., for he states that if the dividend falls short of the bank rate of interest in any year the deficit shall be treated as a liability to be made good from the profits of future years, but his Resolution does not permit of more than a six per cent. dividend.

Paragraph (c) recommends the formation of a Benevolent Fund into which shall be paid profits, surplus of six per cent. Taking the spirit of the suggestion to its logical conclusion, surely such a Fund should be a public one and operated by public trustees, for why should workmen in companies with an inefficient directorate be penalised at the expense of those with efficient directorate. In the former case the chances are that not only will they have to work the harder but there may be nothing to be paid into the Benevolent Fund of which they are to be the beneficiaries. On the other hand, the curious position may well arise in which a workman would be drawing more than a director, and surely no workman fired with that spirit of social justice implied by the Resolution would for one moment permit of that.

Paragraph (d) sets out to limit the salaries of personnel employed in business, and I am reminded of the story of a millionaire who, when staying in Scotland, fell ill and summoned a doctor from London. The doctor duly attended, and subsequently, sent in his fee. This produced an explosive reply from the patient that the fee was exorbitant. To this the doctor replied that he felt there was some misunderstanding in the matter; his fee was not for the value of the life saved, but for the skill shown in the saving of it. If the prizes of industry are curtailed by legislation what inducement is there for any one to work beyond the figure determined by legislation. If by doubling the figure the Honourable the Mover is prepared to offer he was able to quadruple the amount of money that would find its way to the Benevolent Fund, would he not seriously consider being a little more generous in the matter? So much for what the Resolution says. If what the Honourable the Mover intends to convey in his Resolution is that in his opinion, particularly protected industries should aim at service to the community that has afforded them protection, and as soon as such protection is imposed, they should set about honestly to provide that community with supplies of the protected commodities at prices showing a reasonable profit, and of a quality comparable with those

from which they are protected. If it means the encouragement of employers to care for the health and welfare of their staff and the recognition of what may be their loyal services by provident or superannuation funds, if it means that the considerations of their workmen should not at all times be subservient to those of their shareholders, if it means that the appropriation of profit should be directed to the improvement of the protected industry and the strengthening of the industry's financial structure, rather than to the payment of dividends, for a national industry is a national asset, then I am sure that my Honourable friend has the support of every right thinking man in the country, but the Resolution, Sir, does not say that. I must, therefore, oppose it.

Sir Abdul Halim Ghuznavi: Mr. President, I would like to add to the Resolution two more lines before I proceed to discuss

Mr. President (The Honourable Sir Abdur Rahim): Is that by way of amendment?

Sir Abdul Halim Ghuznavi: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then he must give notice, otherwise he can use it as part of his argument.

Sir Abdul Halim Ghuznavi: Very well, Sir, I shall use it as part of my argument, and I say this:

"That the Assembly do recommend to the Governor General in Council to take immediate steps to ask Soviet Russia to invite Dr. Sir Ziauddin Ahmad to become its Premier and to invite my friend, the Mover of the Resolution, to become their Commerce Member."

Mr. M. S. Aney (Berar: Non-Muhammadan): Do you move it?

Sir Abdul Halim Ghuznavi: Yes, I have moved it. Sir, I have never seen yet such a silly and foolish Resolution as the one which appears on the paper. It shows the colossal ignorance of Honourable Members who discuss questions relating to labour, to business and factories, as to how these institutions are run; not one of them has any experience or knowledge as to how business is conducted, and, therefore, they come before this House with all sorts of stunts

Mr. Lalchand Navalrai: Come to the point.

Sir Abdul Halim Ghuznavi: Yes, I am coming to the point. I would ask as a test that the Honourable the Mover and his few supporters should try and form a company under this regulation which he proposes to Government and run it, and then they should come before this House and ask the Government to legislate on the lines they suggest in this Resolution. I interrupted the Honourable the Mover and asked what was his definition of all public companies. He referred me to the Indian Companies Act for the meaning. Sub-clause (2) of clause 2 of the Indian Companies Act says this "Company" means a company formed and registered under this Act or an existing company. Now, Sir, may I give an instance? I form a company with seven shareholders each taking a share, but I put in the

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entire capital of the company. It is a public company, and in order to make it a public company I have seven relations or friends of mine and I make them subscribe one share each, and, thereby, the concern becomes a public company in the sense suggested by the Honourable the Mover in his Resolution. Then, Sir, I start the business. If there is any loss I pay; if there is any profit, I must not be allowed to take more than six per cent.; and what about the balance? That has to be put in a provident fund or benevolent fund for the benefit of the employees. I may not have labourers, because I may not run a factory, but there may be other employees like the office staff who will be entitled to the benefits of the benevolent fund, and one of the employees will also be a Director. Now, what company, I ask the Honourable the Mover, can run a show as suggested in his Resolution on these lines? No money will forthcoming under these conditions. Far from having a prosperous India, the Indian industry will come to an end if legislation of the kind, which my friend has suggested in his Resolution, is undertaken by Government. What is this Resolution? Let us discuss it in detail. All the speeches that have been delivered so far on this subject, except the one delivered by the Honourable Member of the European Group, are what may be called a labour stunt

Mr. Lalchand Navalrai: Yours is an employer's stunt.

Sir Abdul Halim Ghuznavi: Mine is a business stunt which every businessman understands, except my friend, Mr. Lalchand Navalrai. May I say this to the House that before they make any suggestions in the House, they should tour round these institutions and find out for themselves how they are run.

Sir, the Resolution is not confined to the protected industries. The Resolution talks of registered companies, of public companies, and in order to have such a company only seven shareholders are required to sign the articles of association. Let them see for themselves what the conditions of labour are. Most of the labour trouble is due to labour leaders, and I can give you the definite personal experience of the Calcutta jute mills. A set of labour leaders approach speculators and say, "We can get a labour strike so that the prices may go up". The speculator advances money to the labour leaders to promote a strike. Although labour is well contented and does not want a strike, these leaders threaten them by saying, "If you do not strike there will be trouble", and they have no alternative but to join the strike. You approach the labourers. They will say that they are quite contented, but that they are afraid of the labour leaders. What has happened in Bombay this time? Contentment actually prevails among the labourers, but the labour leaders—my Honourable friend is not here, one of our great labour leaders, he is there now in Bombay, fomenting as far as possible

Mr. M. S. Aney: You are doing an injustice to Mr. Joshi when you say that he is fomenting the strike.

Sir Abdul Halim Ghuznavi: I will qualify it. Not he, but his employees or his friends help it. Therefore, I say that if the Honourable the Mover had brought forward a resolution to the effect that Government

should make an investigation as to the labour conditions that prevail in India, I could have understood it. If he is anxious that the labourer must have his just share, I agree with him, but it should not be done in this way. He restricts the public company and I can positively tell him that not a single *cowrie* will be forthcoming for the further development of Indian industries if restrictions of the kind that my Honourable friend wants are imposed by Government. Sir, I oppose the Resolution.

Mr. M. S. Aney: I have carefully read all these clauses of the Resolution and I feel that the Honourable the Mover of the Resolution is no doubt actuated by the best of motives in bringing forward his suggestions for the consideration of the House. But what I find is this that the categorical suggestions that have been made here cannot be accepted as real or equitable solutions of the difficulties which he has in mind. I am sorry that I was not present to hear his speech, so I do not know what particular arguments he advanced in support of his position. When I came in, my Honourable friend, Mr. Lalchand Navalrai, was speaking and I found that he was supporting almost every clause of this Resolution.

Mr. Lalchand Navalrai: With reservation.

Mr. M. S. Aney: I am very glad to see that he has made a reservation. I find it difficult to accept all these detailed suggestions. One may agree with the Honourable the Mover to this extent that probably the existing state of things may require a very careful investigation and a committee to that effect or a committee consisting of persons who are intimately acquainted with the conditions of business both from the businessman's point of view and from the point of view of labour and other interests involved—that committee may be a proper solution of the difficulty. For example, as my Honourable friend, the Member from the European Group—I congratulate him on his probably maiden speech, and a very good speech he has made—my Honourable friend has shown rightly how some of these suggestions are absurd. The main idea of this Resolution is that there should be a definite limit laid on the profit which the businessmen may make on their businesses. The Honourable the Mover of the Resolution is not content with leaving matters there, but he goes on with a ready-made suggestion that it should not be above six per cent. It all depends upon the conditions of the different kinds of industries, and no hard and fast rule like that can govern the cases of all industries. It is rather impossible to lay down any hard and fast rule like that, that every industry is entitled only to make a profit to the extent of six per cent. and nothing more than that.

Mr. Lalchand Navalrai: That is how I say.

Mr. M. S. Aney: A man of commonsense is bound to say that. If you have said that, I am glad. But the point is this. When we lay down a maximum limit as regards profits, we must also imagine, and any man with the least business experience can certainly imagine, that business does not always bring profit. There are years, there are occasions when business has to be run in spite of losses incurred. If that is the position and six per cent. is the only profit to which businessmen will be entitled and every thing else is to go somewhere else, there is nothing for the businessman

[Mr. M. S. Aney.]

left. (Interruption.) I am taking the Resolution as it is worded here. I know there can be many other ways of providing for those conditions, but my difficulty is this. We have to go on the Resolution as it is. In those bad years there is nothing for him to fall back upon. How are those losses to be made up? You must either allow them to make more profits in those years when it is possible, out of which they can reserve at least something to make up for the losses in the years of loss.

Dr. Sir Ziauddin Ahmad: Will you read the latter part of clause (b) of the Resolution?

Mr. M. S. Aney: With regard to the fall in the bank rate? I have seen it. It only provides for one kind of emergency and not for every kind of contingency.

Dr. Sir Ziauddin Ahmad: The first part of clause (c).

Mr. M. S. Aney: We come to the constitution of the Benevolent Fund. Whatever is left over and above this six per cent. will go towards a fund to be built up called the Benevolent Fund. I can understand that there should be some kind of reserve fund as well as some other funds constituted for the sake of giving such concessions as may be found necessary from time to time to those who deserve them. If some such arrangement could be made, it would be welcome, but whether that arrangement should be precisely of the form suggested in this Resolution is really a question of doubt. The suggestion is not only that the fund should be constituted, but the precise constitution of the committee which is to manage that fund is also suggested here. The suggestion is that it should be a committee on which there should be a nominee of the Government. Take the case of the company which my Honourable friend, Sir Abdul Halim Ghuznavi, has quoted. It is a public company only in the technical sense of the term, and why should the administration of the fund which is carved out of the income of such company be controlled by somebody who has done nothing to make the profits out of which that fund is formed?

Now, there ought to be one nominee of the Government, a representative of the workmen and of the Board of Directors. The committee is to consist of three persons. These three persons are to administer this Benevolent Fund. It is rather difficult to leave everything above six per cent. to be managed by these three, two of whom come from classes whose interests are of a very minor and insignificant nature in the entire business. I can understand labour insisting upon the fulfilment of certain conditions as necessary on the part of businessmen to run the business properly. For that purpose he may be asked to guarantee certain facilities but the labour cannot claim, unless we are prepared to change the whole structure of business in India today, that a committee should be formed in which they should have equal representation with the Board of Directors. It is rather a preposterous proposition in my opinion. Now, as regards the salary, I belong to the Congress cult and if salaries are reduced in principle I shall not be opposed. Two thousand, according to the Congress creed, is an exorbitant standard. They won't sanction more than Rs. 500 for anybody, even if he occupies a place on the Governor General's Executive Council.

Mr. F. E. James: (Madras: European): Rs. 500 plus allowances?

Mr. M. S. Aney: Allowances are not to be taken into consideration when we are discussing the question of salaries. My point is that the amount of salary to be given depends upon the nature of the work and the nature of the profit which a particular business is likely to make. If there is a business in which the profits come to crores and we have to keep a highly competent man as the managing director or manager of a concern like that, I do not think that even if that expert is to be given Rs. 5,000 as salary per month anyone can really consider it as an unduly high remuneration because, after all, the equitableness of the salary will be judged more by the amount of profit that man is able to make on account of the skill he shows, on account of the ability he brings to bear upon his work. Therefore, a hard and fast limit of Rs. 2,000 as maximum salary for all kinds of managers and for all kinds of business is in my opinion creating a new kind of leveller which may not be liked by anybody and which will not bring forth the best kind of talent required for any industry. We know there may be industries for which we may require highly skilled experts and you won't be able to get that sort of expert on Rs. 2,000 at all. If such a man is to serve under a manager who does not get more than Rs. 2,000, it will be ridiculous to fix the salary of the manager at Rs. 2,000. After all salary carries with it some kind of prestige which it is necessary for you to give to the man who has to control the whole affair. In my opinion although Rs. 2,000 is not a small amount, I do not regard that as such a maximum amount that it should be impossible even in proper cases for the businessmen to fix a higher rate of salary for their own managers. Even that condition I do not think is one which can be accepted unreservedly.

As regards spending on capital expenditure, it is not the Board of Directors who should decide that question. It is this blessed committee which manages the Benevolent Fund which is going to decide whether and how the capital expenditure is going to be met. The Board of Directors who have started the company and who run the whole thing and who finance the company will have no control as regards the allotment of any fund for capital expenditure. It is this body of three men of whom one is a Government member, the second is a labour man, who spend not a pice, who will be entitled to claim something out of it. The Government man has probably contributed nothing except to make certain stringent rules to make the running of the factory more or less difficult. That is all the contribution that the Government member has probably made. This Resolution gives these men the power of determining whether a particular expenditure should be met from capital account. I believe it is an absurd proposition. If anybody wants to obstruct the progress of industrialisation in this country and find out some way of doing it, I believe he can do nothing better than adopt the present Resolution and ask Government to make that as a rule and Indian business will soon be wound up. I know that my Honourable friend has moved this Resolution with the best of intentions but I find it has not been carefully thought out. If he really wants that better relations should exist between labour and capital in every business and wants a committee to go into the whole question of the improvement of the lot of labour, I have every sympathy with him but the particular suggestions he has made in this Resolution cannot be accepted by me as the proper solution and, therefore, I have to oppose the Resolution with great reluctance.

Mr. T. S. S. Pillay (Government of India: Nominated Official): I, am glad to find that the Honourable the Mover has moved the Resolution in moderate language though he himself admitted that it is couched in extreme terms. I do not desire to go into the details of this Resolution as he himself had stated that his main object was to focus attention on what he called some of the general principles for the management of companies and the labour employed under them rather than to give precise directions for the legislation which he advocated. Some Honourable Members of this House have already gone into the details but I shall confine myself to what I consider to be the basic ideas of this Resolution. I take it, Sir, that the main idea is that workers or labourers should be enabled to get a share in the management and of the profits of public companies: If that be the intention, Sir, I find from a close attention to the speeches made on the floor of this House and to the exposition of the ideas which the Honourable Member himself made on this subject that the Resolution does not follow the principles or the ideas that influence labour leaders in leading industrial countries. I may quote a very short passage from the Encyclopedia Britannica, 14th Edition, on the main idea of profit-sharing explained by the Mover of this Resolution. It runs:

"As regards the attitude of the trade unions to profit sharing, there appears to be little doubt that this has been almost uniformly hostile or at best indifferent. Naturally the whole effort of the trade unions in regard to remuneration is directed to keeping the general level of wages in an industry as a whole as high as possible"—*And again*.—"labour leaders as a rule do not approve of profit sharing. They take the stand that the worker prefers the certainty of a fair wage and the right to look after his own interests to the uncertainty of a bonus which he may or may not receive in the future."

Sir, I am not here expressing any definite opinion or conveying the conclusion of Government on the expediency of profit-sharing as a method of conducting business. That is a problem which has not been closely examined, I am only here to state that this is one of the principles which has been considered by many industrially advanced countries and has been accepted as one that is not advisable yet to adopt wholesale even in the very interest of labour. I might refer in this connection to a conclusion of the Report of the Royal Commission on Labour in India on this question of profit sharing. After examining many methods of how labour could be made to interest themselves more and more in the progress of industry and also how the condition of labourers could be made better, the Royal Commission came to the conclusion that in the present stage of industrial development, in India, such schemes, as profit sharing, are unlikely to prove either useful or effective. Therefore, Sir, I am afraid that the terms of the Resolution, even as a principle, I cannot say that Government will be in a position to accept for framing any legislation in the direction desired. I may now turn to another aspect of the Resolution.

I take it that the Honourable the Mover desires that the industry should also prosper. Government do not feel advisable to accept the Resolution for some of the principles the Mover has mentioned are so restrictive in character. Sir, on the floor of the House it has been repeatedly urged that Government should take steps to prevent the occurrence of events and also should not introduce any measures, that will hamper the industrial development of this country at the present moment. Sir, under these circumstances, it will be most inopportune, if not anything else,

to contemplate any legislation which will in its effect, either directly or indirectly, tend to discourage capital or to discourage industrial enterprise. Sir, I, therefore, oppose the Resolution.

Mr. H. A. Sathar H. Essak Sait: Sir, at the very outset when I moved the Resolution I explained to the House what my object was in having this Resolution moved. I wanted a discussion, I wanted realisation in this country that the industrial policy of this Government has to be recast now. I did not say that my Resolution was perfect and had to be accepted without a change of a word or a comma. Of course, Honourable Members have looked into the details of the Resolution and have found objections in it. I knew that the Resolution was open to such objections. But I think my purpose has been undrestood by my friend, the representative of the Commerce Department, better than the other Members who have spoken on this Resolution. So far as the observations of my friend, Sir Abdul Halim Ghuznavi, are concerned, I wonder if he realises that many of his observations in this House are not nowadays taken seriously, and, therefore, I do not propose to give much of my time to answer him. With regard to the observations made by the representative of the European Group, I do admit that what he has said is really something which should be taken into consideration. As I have said my object was that attention should be focussed on the question of labour in this country, the discontentment amongst them and to alleviate their conditions and make labour contented. I wish the Resolution was drawn up in better terms than it is. However, I think it has served its purpose and, therefore, I seek the permission of the House to withdraw this Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* REMOVAL OF DISABILITIES OF INDIANS IN THE BRITISH COMMONWEALTH OF NATIONS.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India the opinion of this House that steps should be taken as early as possible to bring about the removal of disabilities to which Indians are subjected in various parts of the British Commonwealth of Nations."

Sir, the plight of Indians abroad is so bad that we have to advert to it again and again, not because it is so very pleasant a topic to talk about, but because something or other, every now and then, happens to our nationals abroad which compels us to raise a wail. The Resolution which I have moved is very modestly worded and I hope the House will pay to it the attention which this subject deserves and will consider the matter from a practical point of view as to what is to be done. I do not propose to cover the entire field of the grievances of Indians living in foreign countries, nor is it practicable within the short time which falls to my share in this debate to cover the entire field. I shall, by way of illustration, take the case of Indians living in Burma and the case of our nationals living in Ceylon as illustrating the hardships, the grievances, the humiliations and indignities to which they are subjected, and, I hope, by giving you the salient points of the facts relating to Indians living in these two countries, I shall be able to induce the House to decide to pass this Resolution.

It will be noticed, Sir, that I am referring in this Resolution to the British Commonwealth of Nations and judging from the meaning of that

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expression one would expect that in common with other members of that Commonwealth, India would enjoy a status worthy of its position. But it so happens that everywhere the Indian finds himself at a discount and finds his position very far from comfortable.

Now, taking the instance of Burma, it is most regrettable that Burma, which was a part of India till the 1st of April, 1937, should have immediately, after its separation from India, become a place where the Indian found himself in hot water. The anti-Indian feeling generated and fomented among the Burmese and the developments which followed the intensification of that anti-Indian feeling were such that they came as most disagreeable surprises to everyone living in India. Prior to the separation of Burma from India, Burma was, of course, looked upon, although it was across the Bay of Bengal, as a part of India and there was every kind of peaceful intercourse between the two countries. In fact, Burma was a province of India. Not only that, Burma owes almost everything in its commercial and economic development to India. There are places in Burma, such as, Rangoon, Mandalay and other towns, the development of which was entirely due to the commercial enterprise of the Indians. Any amount of Indian capital was sunk in developing these towns and in raising them to the status which they occupy now. Any amount of commercial and trading intelligence was expended by Indians on the development of that country and yet what happened was that there were sanguinary riots from July to September, 1938, in which there was loss of life, loss of property and constant agitation against the Indians leading to actual flight of thousands of Indians from Burma to save their lives and their skins. The Indians in Burma had to leave that country and even the Government of Burma was compelled to assist at its own expense in the transportation of those Indians to the shores of India. These matters came up before this House and were discussed in great detail. A Committee had to be appointed to go into the whole question of the causes of those riots and other relevant matters. That Committee which was presided over by a Judge of the Burma High Court and had on it some Indians also as members carried on the inquiry and published one interim report and one final report. The findings of that Committee show that about 200 lives were lost in those riots and property worth about 2½ million rupees at least was destroyed and the lives of Indians in Burma were made miserable and unsafe. Not only that, there appeared to be an apprehension of permanent alienation of the Burmese from Indians and a constant agitation against Indians was kept up who were looked upon by the Burmese, strangely enough, as intruders and parasites. These are matters, Sir, of such recent occurrence that I need not go into their details, but, when this Resolution requests the Governor General in Council to approach the Secretary of State for India to take certain action in the matter, it is important to bear in mind that even the amount of compensation to those who had suffered in these riots as assessed by the Committee of Inquiry to which I have already referred has not so far been paid. No compensation has so far been paid and, although the Government of India have sent an Agent to Burma to safeguard the interests of Indians there, it is not clear yet what the position of Indians in Burma will be in the future. The intense agitation which was being carried on at the time and which went on for a long time afterwards appears to have subsided for the moment, but there are circumstances which show that there may be a recrudescence of the same feeling

again and the matter is of such importance that it must not be allowed to rest till effective steps have been taken to prevent the recurrence of such atrocities in the future and to guarantee a safe position for the Indians in Burma.

As regards Ceylon, it appears to be a very much worse place than even Burma so far as the Indians are concerned, judging from what has been going on there for a long time in the shape of anti-Indian legislation and anti-Indian action on the part of the Ceylon Government. No doubt, there has not been bloodshed in that island like what happened in Burma, but I think there have been certainly a series of measures, legislative as well as executive, against the Indians which, in practice, is quite as good or as bad as bloodshed. I have got a note here which was issued by the Diwan Chand Political Information Bureau of New Delhi which gives quite a list of the grievances of Indians in Ceylon. I base my remarks on that note and I hope the note is based on authentic information. For instance, there is a barrier created against Indians to enter the Ceylon Civil Service, although in India there is no such barrier against the Ceylonese. That is one thing to take note of. Then, in the Constitution of 1929 universal adult franchise was granted to all in Ceylon except the Indians on whom restrictions were imposed which had the effect of depriving 75 per cent. or perhaps even more of Indians who are permanently settled in Ceylon of the right to franchise.

Then, Sir, the medical degrees and diplomas granted by the Indian Universities were not recognised in Ceylon. Then certain relief measures consequent on unemployment were adopted, but no relief to unemployed Indians was given although the funds raised for that purpose were very largely composed of subscriptions paid by the Indians. Then, there are the income-tax ordinances and laws which operate very harshly against Indian capitalists and discrimination is exercised in the matter of income-tax against Indians. They are not placed in the same position as the Ceylonese. Again, there were laws relating to crown lands and the practical effect of these laws was to prevent Indians from getting the crown lands or settling down thereon. Certain duties were imposed on ghee, eggs, vegetables, etc., imported from India, of course under the very convenient plea of giving incentive to local production. The Indian paddy imported into Ceylon was also subject to discriminatory duty. Then, there are the village community ordinances in which village communities are practically given autonomy within their bounds, but the practical effect of the ordinance is that Indians residing in those villages are disenfranchised and they have no status in those communities. Then, Sir, there is the ominous information as to what is proposed to be done in the near future against Indians. It appears that there are certain measures under contemplation which will have the effect of compelling Indians entering Ceylon to get identification cards which will bear their thumb marks, counter parts of these cards also bearing their thumb marks will be kept with certain officers and it will be the duty of the Indians to report themselves every month to the officer or at a certain office where the identification cards will be examined, the date of entry into Ceylon will be noted and no Indian will be allowed to remain in Ceylon for more than three months. Such identification cards will also be issued to Indian estate labourers bearing the words 'estate labourer' so that a person who has been labelled as estate labourer will not be in a position to take to any other trade. He must

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either work as an estate labourer or must leave Ceylon. Forced repatriation of Indians is also going on even at an enormous cost to the Ceylonese Government, but the idea appears to be to see that every Indian leaves the shores of Ceylon.

Although like Burma Ceylon also owes much of its development to Indian labour and Indian capital, yet this is the gratitude which is being shown to India. I think, Sir, the points which I have enumerated will suffice to make out that in a country not very far from the shores of India, in just a Crown colony over the administration of which His Majesty's Government should have every influence and control, India is being treated in this humiliating fashion and Indians are being put to every sort of indignity and every sort of loss. I submit that if this is the way in which India should be treated in a part of the British Commonwealth of Nations, little wonder that in parts of the world which have no political connection with the British Commonwealth of Nations, they should be treated worse; although in certain parts of the world, it is a fact that they are treated much better, for instance, in France there is no colour bar against them while in America there is—of course America and France are independent nations and anything done to Indians there would stand on a different basis altogether. But as far as Ceylon and Burma and other parts of the British Commonwealth of Nations are concerned, this sort of humiliating treatment is accorded to Indians and it is certainly a matter worthy of serious attention of the Government of India and therefore, Sir, we say that the Governor General in Council should take up this matter seriously with the Secretary of State for India and see that effective steps, not mere expressions of disapproval or mere representations for securing a better state of things, but effective steps should be taken to see that Indians are not treated in the way in which they are treated at the present moment and that they get a better and fairer treatment. With these words, I commend my Resolution for the acceptance of the House. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

“That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India the opinion of this House that steps should be taken as early as possible to bring about the removal of disabilities to which Indians are subjected in various parts of the British Commonwealth of Nations.”

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan

Urban): Sir, it was more than a year ago that the position of
1 P.M. Indians overseas, particularly within the various units of the British Commonwealth of Nations, was discussed in this House. Honourable Members will remember that the discussion took place on this subject on the cut motion moved by my Honourable friend, Mr. Avinashilingam Chettiar, on the 16th March, 1939. Earlier, I had endeavoured to draw the attention of the House by moving a motion for adjournment,—that was in February, 1939. In view of my experience of the attitude of the Government on that occasion, I would ask my Honourable friend, the Secretary for the Department of Education, Health and Lands, to put a little more confidence in us and not to look upon us with suspicion, but to realise that, after all, we here, situated as we are in this country, are to assist the Government on those questions on which the Government take it upon themselves to stand up for the rights of the people of this country. This is one of those questions on which, so far as I know, there has never

been any vital difference of opinion, or any serious difference of opinion between the Government and the people. All the same I cannot help recalling that when I tried to move my adjournment motion in February last year, it was just the time when the question of promoting segregation legislation was under consideration by the Union Government. My Honourable friend took refuge in the plea that he had no information on the subject. But it appears now from this pamphlet published by Government and entitled "Review of Important Events relating to, or affecting, Indians in different parts of the British Empire during the year 1938-39" that the question which formed the subject matter of my adjournment motion was very much before the Union Government. In fact, paragraph 7 on page 2 clearly discusses this question, namely, the question of promoting anti-Indian legislation in the form of setting up a system of servitudes and giving power to the Registrar of Servitudes to prohibit any areas being occupied by Indians if 60 per cent. of Europeans as I then thought, or 70 per cent. of Europeans as appears now, were against any Indian living in any predominantly European area. I leave it at that. I do hope, however, that Government will treat this House with the courtesy that it deserves, and, speaking for my Party as well as other non-official Members, I can say that if they trust us, they will have nothing to regret.

The position in South Africa today is an extremely difficult one. I do not propose to discuss the position of Indians in all the parts of the British Commonwealth, but it will be convenient if I confine myself to South Africa of which I have some little experience. The position is that when this House rose in April last year, there were doubts and suspicions about the position of our countrymen in South Africa, and it was generally realised that the Union Government were considering the question of passing legislation intended to add to the disabilities of our countrymen there. Those fears unfortunately proved too true. An Act known as the Transvaal Asiatic Land and Trading Act was passed towards the end of last May or the beginning of June forcing legal segregation of Indians for a temporary period of two years. This House unfortunately was not in Session at the time, and, therefore, no action could be taken here. That Act had serious repercussions. The Transvaal Indians, I may briefly mention, thereupon decided to consider the question of offering passive resistance against this measure. A Conference took place in Johannesburg in June, 1939, shortly after the passing of the Bill. Some of us, including myself, were consulted by cable, and ultimately the Conference ended in violence. In fact, force was used, and one Indian was killed on the spot. The question, as I said, was simply this, whether our countrymen in the Transvaal should oppose that Act by offering passive resistance. The Transvaal, as this House knows, is a very difficult problem. It is a Dutch province and the majority of the people are Dutchmen, and, from my experience, I can say unhesitatingly that in South Africa there is not much to choose between Dutchmen and Englishmen. All the same, I must recognise that among Britishers, specially Britishers of Cape Town and some other parts, there are good friends who have helped us even at considerable risk to their own position. I do not want to make any invidious distinction between our friends in South Africa by mentioning names. Were I inclined to do it, I could mention a number of those who have helped us whole-heartedly. Yet the unfortunate part of it is that the contagion has spread from the Transvaal to Natal, and today, I believe, the position is that there seems to be a strong prejudice in Natal against our people as was noticeable last

[Sir Syed Raza Ali.]

year in the Transvaal. India, as a member of the British Commonwealth of Nations, would not expect Britishers in Natal to add to the disabilities of Indians in that province. Yet I do not know what turn events took in that province. The result seems to be that there was a cry on the part of certain Europeans, whose number I think is not very large, that there should be no penetration of what they call European or predominantly European areas by Indians. That idea was mooted when I was in South Africa.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Sir Syed Raza Ali: However, that was confined to the Transvaal. Now, this idea is working out in Natal. Our countrymen in South Africa have got two political organisations today,—the Natal Indian Congress and the Natal Indian Association. Unfortunately it appears that these two parties are at loggerheads. It is not for me to complain if they are at loggerheads—they are our own cousins and they take their cue unfortunately from the mother-country. It is not for me to reproach them, but still the fact is there that, as a result of this little quarrel between them, it appears that one party has entered into a sort of working arrangement with the Minister of the Interior, Mr. Lawrence, who is fairly well disposed towards our people, that they are willing to give effect to segregation voluntarily, while the other party which is represented by the Natal Indian Congress is very strongly opposed to that. The result is this: that a speech was made on the 30th January this year when Parliament started its Session in Cape Town, by the Minister of the Interior, Mr. Lawrence, announcing the appointment of a judicial committee of inquiry. This Commission will inquire into the extent of the invasion, if any, of areas by Indians in those quarters which are predominantly occupied by Europeans. Now, the question is what should be the attitude of the Government of India on this question and what should be the attitude of their representative, the Agent General? I understand unfortunately that, by taking up a certain attitude, the Agent General has incurred the displeasure of the Natal Indian Congress. It is not for me to apportion blame. All that I can say is that very great care and caution should be exercised by the Government of India in giving instructions to their representative. Unless these parties, our Indian political parties in South Africa, unite on main and substantial questions—I am not speaking of minor differences—it occurs to me that the result is going to be extremely prejudicial to our people in that country

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Syed Raza Ali: Time will not allow me to say more. All I can say is that it will be greatly appreciated if the Education Secretary, when the time comes for him to reply to the discussion, will not make his speech with a certain amount of mental reservation. I will ask him to put his cards on the table of this House and to take us into his confidence. Some of us in any case can perhaps help the Government of India even though we are in this country and even though most of these questions have got to be settled in a distant country like South Africa.

Lieut.-Colonel Sir Henry Gidney (Nominated: Non-Official): Sir, my reason for joining in this debate is because I whole-heartedly support the Resolution and also because it affects members of the all communities in India including Anglo-Indians. I should have much preferred the Mover of this Resolution to have worded it in a different way and frankly said that as the British Government lacks the quality of imagination, that early steps should be taken to emulate the methods of colonisation and recognition of its subjects as those who go into the colonies of Holland and France. There is one thing that can be truly said that the Britisher, apart from all his many good qualities, lacks the sense of imagination and instead when they form themselves into coteries and occupy certain spaces in the Empire, particularly in certain parts of Africa. I have listened very many times to a discussion on this very same subject being threshed out on the floor of this Honourable House, and above all other impressions created in my mind one stands out. It is this: the Honourable Sir Girja Shankar Bajpai has always been not only sympathetic but as keenly resentful and desirous of helping us in his replies to questions and debates. I have not seen any cards up his sleeve, except may be the joker which he may be hiding in his pocket; and if that joker is going to make the matter clearer to us today, I should like to join him in that game of poker

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. M. S. Aney, one of the Panel of Chairmen, in the Chair.

Lieut.-Colonel Sir Henry Gidney: Mr. Chairman, before lunch I asked the Honourable Member in charge of the Department whether he had the Joker in his pocket. Now, let me proceed to compare the treatment given to the peoples of India in other British possessions with the treatment that is given to our people by other nations. Take the Dutch possession—Batavia. The Dutch-Javanese control the whole country. They have no desire to exclude any one of us from coming there. France does not exclude Indians from her colonies, and, yet, it is practised with great severity in certain parts of the British possessions. Sir, this is a matter, in which every side of this House should co-operate in resenting and in no mild terms. Indeed, I am sure the Government desire to help us in every way possible, but, unfortunately, the Government of India themselves are in a limited measure at fault in similar matters. As an instance look at the marked distinction that is made even in this country between the Britishers and the Indians in the Indian Medical Service. What greater distinction could be made between two classes? But that is by the way. What are the facts? The facts have been put forward very clearly by the Honourable the Mover of this Resolution who referred particularly to Ceylon and to Burma, and my friend, Sir Raza Ali, referred to South Africa. Let us go a little bit nearer home, Afghanistan. What is the treatment that an Indian receives in Afghanistan? He is absolutely taboo over there. A motor driver cannot stop in that country for more than a few hours with his motor car. Indeed, the Indian is not wanted in the neighbouring

[Lt.-Colonel Sir Henry Gidney.]

nation—Afghanistan. It seems we are powerless; it seems that the Government of India, try as hard as they can,—and I know they have tried,—are also powerless to exert any effective pressure on these parts of the Empire. It is not because the Government of India have not tried to do so; we all know they have done their best. It is not because the Honourable Member in charge is not sympathetic; we know that, as an Indian, his heart beats in unison with us in this matter, but, surely, there must be some reason why greater pressure cannot be brought to bear on those British possessions who insult the peoples of India. The question is,—and I ask the Honourable Member to tell the House,—Is India, in all respects, a member of the British Commonwealth of Nations, *i.e.*, is she a real member of the British Commonwealth of Nations or only when it suits the British Government? If she is, then she has the right to demand that the British Government should interfere in this matter as vigorously as possible. For instance, say two nations have an irreconcilable dispute between themselves? Who will settle it? Is there nothing by which these matters can be settled?

Take the question of treatment of Indians in South Africa. South Africa has been treating our people over there in a most humiliating and insulting manner. Is there no means by which this can be stopped, or is it because we are not really a member of the British Commonwealth of Nations that we are not able to do anything effective to put a stop to such things? One would have thought that the present war had brought us all together, fighting as we are for the common cause. I look upon the British Empire as a rainbow of human pigment. With its multicolored possessions and subjects ranging from the ultra-red end of the spectrum to the ultra-violet end; each one as important as the other in the formation of this pigmented Empire and, yet, the Government of Britain tolerates this unjust treatment meted out to Indians in South Africa and other colonies and which is nothing less than a damned insult to this country. It does not speak well for the future of India; it does not speak well of the British Government if they can tolerate, without effective action, such terrible treatment of its Indian subjects who are, today, giving their lives in the war for the Empire. What can we in this House do? We waste time in talking. What do the Government do? They occupy their time in listening to debates, and the result is as always nugatory. No Government should allow its subjects of an important country such as India to be treated and insulted in this manner. What then is left for us to do? Should we go to the extreme length of passing a Resolution and ask the Government to threaten and exercise reprisals on those countries? Reprisal seems to be the method of settling all international disputes today; we see it being practised throughout the present war. Why should we tolerate this insult? Why can't we hit back and exercise reprisals on those who treat our people in this manner? I know the Government of India is acutely alive to this question of the treatment of Indians abroad. We could not have a more sympathetic and generous-minded Member than Sir Girja Shankar Bajpai who has been dealing with this matter for years, but what have we achieved so far? Something else, something more drastic, has to be done now. As things are we cannot truly say we are a part of the British Empire. If it were a question of cheaper labourers from India and so upsetting Africa's economic problems one can understand it; but that is not always the reason or the chief reason. The prejudice in treatment arises mainly on account of colour. But, Sir, I would ask every one

in this House to join hands in this matter. Whether we win or not,—and we will win in time,—I ask the Government openly to declare what the exact position is today and how far they can go and what more they propose to do to satisfy Indian feelings in this great matter.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): My friend, Syed Ghulam Bhik Nairang, thinks that by calling upon the Governor General in Council to take effective steps for the removal of disabilities of Indians abroad he will succeed in securing that removal but I am afraid it will be a cry in the wilderness. Many many years ago we heard this cry. We called upon the British Government, times out of number, to take suitable action to safeguard the interests of Indians settled abroad. The Government have declared times out of number that India is a part of the British Commonwealth of Nations, that we are a part of the British Empire, while we have called upon the Government of India times out of number to remove the indignities perpetrated on our Indian brethren abroad, but what have the Government done? Sir, whenever I think of the maltreatment to which we are subjected in South Africa, Kenya and other parts of the Empire, of which we are equal members, with whom we share equal status, my blood boils with indignation and moderation in language becomes well nigh impossible, when dealing with the subject. What are we, and what is our status? Canada, Australia, New Zealand and South Africa may be equal partners in a concern which is called the British Commonwealth. But what are we? Our position is that of slaves, and the world treats us as such. We go to Kenya, and we are told, "who are you, you blackies? Get out." We go to South Africa. Ask Gandhiji how he was treated there, and how we are being treated there even now. Sir Syed Raza Ali told you a bit of his experience. Then, coming nearer home, look at Ceylon. My Honourable friend, Syed Ghulam Bhik Nairang, has given you a brief account of the indignities heaped upon us even in Ceylon, although it is not a land peopled by the Nordic race with blue eyes and white skin. They belong to the Dravidian stock. They are those people whom many thousands of years ago Sri Ramachander went and conquered. Perhaps they want to retaliate upon us for that. We will have to reconquer Ceylon. Again, what is happening in Burma? Burma was part of India not very long ago, but directly it is separated, well there are riots, there is bloodshed. Who is responsible for that bloodshed? Not the Burmese, not the Indians, it is the British Government which is responsible for that. I call them to account in that regard. Then we go to France, we go to Germany, we go to other parts of the world. How are we treated? They tell us, "Go back to your own country. First emancipate yourself from foreign bondage and then call upon us to treat you like men. At the present time we look upon you as members of a great race, being something like 400 millions in number, and you are the slaves of a people who are only about a few millions, not even a few millions, but barely three hundred thousand in India". So, I think that the Resolution before the House will come to nothing. We will probably hear a very fine speech by our Honourable friend, the Education Secretary. But may I remind Sir Girja Shankar Bajpai, although he may be a great man to us,—he is a great man, he has qualities of head and heart,—that if he were to go to South Africa, they would tell him, "get out, you blackie."

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): I have been there three times.

An Honourable Member: How were you treated?

Sir Girja Shankar Bajpai: Sir Syed Raza Ali will tell you.

Maulana Zafar Ali Khan: So, my Honourable friend will make a fine speech, he will say that effective steps will be taken to see that indignities are not heaped upon Indians. We have been given that assurance before. What is that assurance worth when we are constantly being subjected to this maltreatment? Can there be no retaliation? There is no reason why those people who treat us so foully should not be hit back?

Sir Syed Raza Ali: How? Suggest something.

Maulana Zafar Ali Khan: We must be free. As long as we are not free in India, as long as we have not got an army of our own, as long as we have not got the strong right arm to hit back, there is no hope for us. Therefore, the question is, not of passing a milk and water Resolution in this House calling upon the British Government through the Governor General in Council, to make an effective noise. The question really is, are you going, in view of all that has happened,—are you going to declare that we are a free people? You are not. You will say, "Here these Hindus and Mussalmans are going to divide India into a Hindu India and a Muslim India. As long as that division exists, as long as this sort of thing goes on, there is no use talking about the grant of independence to India." They will say that, although they know perfectly well, the Britisher knows, the Hindu knows, that what has been done in Lahore means neither more nor less than this. It means that the position occupied by the Hindus in Madras will be occupied by those who live in the Punjab, Sind, Baluchistan and the North-West Frontier Province. Nothing more than that. We have never said that there are two Indias. India is one, only the Muslims want the same rights as those exercised by the Hindus in Madras, the United Provinces, and other predominantly Hindu regions. The question of questions finally and ultimately is that the Government should take effective steps to immediately assure us that we are a free people. If this is impracticable then let them after the war is over assure us that we are a free people with a sanction behind us, that sanction being the army and the power to retaliate and to hit back. Then alone an awakening would come in South Africa, in Kenya, in Australia, in New Zealand, in Ceylon, in Burma. Only then will we come into our own. With these words I support the Resolution.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): The Resolution wants that steps should be taken as early as possible to bring about the removal of disabilities to which Indians are subjected in various parts of the British Commonwealth of Nations. My Honourable friend, Maulana Zafar Ali Khan, said very pertinently that these paper Resolutions can do us no good, and he rightly stressed that unless we become free and we have the power in our own hands to make these foreign nationalities regard us as having power to retaliate,—until that time nothing can be done by these paper Resolutions. I agree with him there. Then came a question from Sir Syed Raza Ali, what is it that we should do? The answer came from Maulana Zafar Ali Khan that we should be free. Then I put one question to him. "How can we be free"? The reply will be, from my own point of view, when we are united. Let Hindus and Mussalmans of India unite and

the next day you will see that foreign countries recognise our demands and our rights. That is the remedy and it is universally admitted. I do not admit that this dispute between Hindus and Mussalmans in India has been of our own making. It is not so. It is also a political manoeuvre which has brought about this dissension between us. At the time of war do we stand together? If we do what will happen? There will be every effort effective

Mr. Chairman (Mr. M. S. Aney): The Honourable Member appears to be going away from the Resolution.

Mr. Lalchand Navarai: I am only pointing out the remedy that was asked for. I do not mean to say anything derogatory of one community or another. But I say there should be that remedy of unity in our hands and as it is not a Resolution of this nature comes up to appeal to Government. Resolutions of this kind have been discussed several times. The Government of India have always been saying that they are also helpless in the sense that it is not the Government of India which under the constitution can ask for these reforms and for these disabilities being removed. They say it is the British Government. That is true. Therefore the cause for all this is the political subjection of India. The question is—why is not the British Government taking the steps we want. Why are they not coming forward to remove these disabilities which are admitted? The evil is admitted and why are they not going to help us. Then again it is a question of political conditions. They first see from their own point of view and they are not able to see things from the point of view of India.

In the few minutes that I have I will mention briefly some of the disabilities which are referred to in the Review of Important Events relating to or affecting Indians in different parts of the British Empire during the year 1938-39. Now, Sir, the first and foremost disability that they have created is with regard to colour. This colour disability so far as the United Kingdom was concerned was non-existent before but since a short time even that has been allowed to enter into the United Kingdom. In some of the hotels and in some of the boarding houses Indians are looked upon with contempt and they do not allow them in. This was not in existence before and it is a great pity that they are not going to remove that even in their own country and yet Europeans when they come to this country could have access to any both Hindu and Muhammadan hotels. They are open to them and why is it that there is a restriction on Indians in the United Kingdom. It is a matter in their own hands. They are guilty for that. There is no question of any political difficulty there.

Then, Sir, what do we find even as regards our near neighbour, Afghanistan. What help

Sir Girja Shankar Bajpai: If I may draw your attention to the terms of the Resolution, we are dealing with the British Commonwealth of Nations and, as far as I know, Afghanistan is not a part of the British Commonwealth of Nations.

Mr. Lalchand Navarai: I wish the Honourable the Secretary for External Affairs had been here. Then he would not have raised this objection.

[Mr. Lalchand Navalrai.]

However I will let that go and will deal with the other countries. So far as this colour prejudice is concerned, we do not find it in France. In Italy and Russia, theoretically there are no disabilities, at least none that is not shared with others. It is, however, a moot point as to how far under the existing regimes over there, Indians would be allowed to carry on business or reside permanently. In Japan there are said to be no disabilities but there is a disability in all these countries about currency. They are not allowing the currency to be moved out. Then coming to Persia, there are said to be some disabilities recently imposed.

Now, I come to the Colonies. Coming to the British Dominions and the Colonies, I submit that South Africa and Kenya are the worst offenders in this regard. The Indians enjoy the political and municipal franchise only in the Cape Provinces. In all the remaining provinces they are totally unfranchised. Indians are subjected to differential treatment in the matter of trading licenses all over the Union and specially in the Transvaal. In Transvaal, Indians are not allowed to acquire immoveable property outside locations. In 1937, many attempts were made to humiliate Indians. The most notorious of these measures sought to be enacted then were the Mixed Marriage Bill and the Transvaal Asiatic Land Bill. Now, with regard to all these I find some replies in this pamphlet. First, with regard to the Transvaal Land Commission. The recommendations of the Commission which have been published in the Press are generally considered to be satisfactory but no action has so far been taken by the Government of the Union on the report. I should like to know from the Honourable Member whether any action has been taken or everything is in the melting pot? With regard to the Mixed Marriage Commission also, I find here that the Agent General in the Union supplemented the evidence already given by the local Indian community and the Commission had not submitted its report before the end of the year. I would also like to know as regards that too if any report has been submitted and whether it has been implemented?

Then, coming to the question of the segregation scheme. There also I find the form of legislation remained under the consideration of the Minister. The local Indian community and the Government of India protested in unequivocal terms against any such legislation for which in their opinion neither the necessity nor the justification had been established. Pending consideration of the Minister's proposals in regard to this matter, the Union Government did not proceed with the Resolution. Now, I should like to know whether any definite solution has been arrived at by this time or it is only kept in abeyance and the difficulties still remain. There ought to be a solution of that and I would like to know how the matter stands there.

Coming to the question of Kenya, the position of Indians in Kenya is too well known to need any recapitulation. Mr. Churchill stated about Indians in East Africa that it was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries and that it is India which has been helping them in the development of these colonies. But still what do we find. The same thing. With regard to that also I find in this pamphlet that the establishment of the Kenya Immigration Advisory Board and the Kenya Immigration Restriction Bill, 1938, have both the same object in view, namely, to prevent an influx of destitute and undesirable foreigners into the colony. There were no Indians on the Kenya Immigration Advisory Board which was established in October, 1938.

Then, Sir, the Kenya Immigration Restriction Bill passed its second reading in December, 1938, and was referred to a Select Committee. The local Indian community—this is what I want to draw the attention of the House to—was opposed to two provisions of the Bill. I will not read them. They are clearly shown there. But it is said: The objection of the Indian community was that the stiffened provisions may at any time be applied to Indians also. This objection was communicated to His Majesty's Government and the Bill was still under consideration at the end of the year. I would like to know with regard to that also how we stand. With regard to Ceylon, my Honourable friend, the Mover, has put things very clearly and so far as Ceylon is concerned the retaliation measures that the Government of India should adopt would be successful and I do not think there would be so many difficulties in bringing round the Ceylonese to whom we give all facilities here. We give them Government service here whereas we do not get Government service there. And so far as labour is concerned we have put restrictions on our labour which are detrimental to our country. We make a rule that there should be no emigration. That is not what India wants. If anybody like to go and work anywhere, in that case why should we impose these restrictions. Very stringent measures should be taken to see that Ceylonese do not trouble us at all. With regard to Burma also there have been many riots there but what have the Government of India done or what has the British Government done. Nothing. This is not creditable either to the British Government or the Government of India. That the position of Indians outside is deplorable and pitiable has been conceded by the Government and it is really pitiable that they are so impotent as not to be able to do anything in the matter.

Mr. F. E. James (Madras: European): My Honourable friend, Syed

3 P.M.

Ghulam Bhik Nairang, has rendered a public service in tabling

this Resolution, because it cannot be too frequently emphasised by this House that the position in various parts of the Empire of the Indian communities is unsatisfactory. I take it, Sir, that by the phrase "the British Commonwealth of Nations" my Honourable friend, the Mover, really means the British Empire which includes within its scope what is technically known as the British Commonwealth of Nations. Now, Sir, I understood from my Honourable friend, Sir Syed Raza Ali, that he expressed some scepticism as to whether the Government have taken this Legislature into sufficient confidence in all the matters relating to Indians Overseas, and he pleaded that the Legislature should be given more confidence than has been given in the past. Well, Sir, I have been a member of the Standing Committee for Emigration for a number of years and in that capacity, as a representative of this House. I have some right to speak on this matter. We have held frequent meetings of the Committee when matters of importance came before us. We are also supplied with frequent reports from our agents in various parts of the British Commonwealth and it has not been my experience that there has been any lack of desire on the part of the Government to take us as fully as possible into their confidence.

Here may I digress for a moment to pay a tribute to the work of the Honourable Kunwar Sir Jagdish Prasad, who is shortly laying down his high office, in connection with the position of Indians Overseas. Those of us who are on this Committee have seen him in the past five years

[Mr. F. E. James.]

at work on this subject at close quarters, and I do not think it is an exaggeration to say that he has spared no effort, he has lost no opportunity to do what lay in his power and in the power of his Government to alleviate the sufferings and to remove the difficulties of Indians throughout the Empire. I count it a very fortunate circumstance that he is to be succeeded, on that inauspicious day the 1st of April, by my Honourable friend, the Education Secretary, who has been for so many years a valuable Member of this House. It is, I think, very suitable that Sir Girja Shankar Bajpai, who is one of the most eloquent and certainly the most suave speaker in this House, should succeed to a task for which he is eminently qualified owing to his very wide administrative experience in the Department which he is now to control. And it is also good from our point of view, in that it ensures a continuity of policy which in this particular matter is of special value.

There is one point I should like to make in referring to this question of the confidence between the Members of this House and the Government on this matter: I have more than once felt, and I have expressed this feeling in the Committee to which I belong, that there has been an undesirable reluctance on the part of Government to make known more widely to the public the efforts which it has undertaken on behalf of Indians overseas. I remember raising this question in particular on the South African issue which came before us very acutely in the middle of last summer. Very few people in this country know what this Government actually is doing and I suggested that it should not be impossible for summaries of their despatches in the form of white papers to be supplied from time to time to the public and to the Members of this House. I hope that perhaps the public will have a better appreciation of the efforts of the Government in regard to their citizens overseas.

The difficulties of this problem are very great but they should be approached scientifically and it should be realised that the difficulties in different parts of the Empire are different. I have before on various occasions urged the House to realise that the disabilities in the Dominions are much more difficult to remove than in the case of Colonies. In the Dominions we are dealing with practically self-governing people who are particularly sensitive of their own national sovereignty. Therefore, all we can do with regard to them must be done through representation, through the strength of the Indian community in those countries, and through persuasion. Here let me say that one of the great difficulties that confronts any one who is anxious to improve the conditions of Indians overseas in the Empire, is that in so many of the Empire territories, the Indian community itself is hopelessly divided. That is a tragedy, and it is a tragedy which is not confined to the Indian communities overseas. I think we can learn from the experience of the minorities in Europe in recent years that nothing but absolute unity among them is likely to help them.

Then, there is the second problem of the difficulties of Indians in the countries in what are described as the Colonial Empire, and there I feel that His Majesty's Government has a special responsibility. I have come to learn, from some personal experience, that the attitude of the Colonial Office of His Majesty's Government in regard to Indians in the Colonies is both obscurantist and obstinate, and I use both those words with a

sense of responsibility and with some knowledge. It is, therefore, fitting that this House should emphasise this point because here is a matter which is within the direct responsibility of His Majesty's Government. I had hoped that when the Colonial Secretary, Mr. Malcolm Macdonald, took office, we should see in that position a more liberal expression of policy in regard to the position of Indians than we have yet seen. It is true that the war intervened, but I do claim—and I say this with the full knowledge that this debate may possibly be seen, if not by the Secretary of State for India, at least by some of his advisers—upon the attention of the Colonial Secretary a little more sympathy than he has shown to the unfortunate position of the Indian community in Ceylon.

Sir, these problems of Indians overseas are difficult, as I have already said. They are complicated in that they involve social, political and economic aspects. My Honourable friend, Sir Syed Raza Ali, is in a position to speak with great authority on the question of these difficulties in South Africa. What can this House do? First of all, it can specifically direct His Majesty's Government's attention to the need for appreciating to a fuller extent the difficulties of the Indian communities within the Colonial Empire, over whom they have a special responsibility. Secondly, it can recommend to the Government of India an expansion of the principle of appointing their own Agents in those countries overseas in which Indians have settled. We have learnt from experience that the appointment of Agents in certain parts of the Empire has had good results and I have read with great interest, in particular, the recent reports that have been received by us from the Indian Agent in Burma. I wonder whether the Honourable Sir Girja Shankar Bajpai can tell us whether there is any chance, under existing conditions, of extending the agency of the Government of India in other directions. Thirdly, as far as the Dominions are concerned, it seems to be the responsibility of everyone in this House who has any influence in the matter or who has any contact in the Dominions, to urge upon their fellow-countrymen the vital importance of the unity of the Indian community in those countries.

My Honourable friend, Maulana Zafar Ali Khan, fresh from his triumphs at Lahore, dilated on the importance in this problem of the freedom of India. I was glad to hear that point mentioned by him and I was glad to hear him speak of the possibility of a united India under all the circumstances of the present times. I hope he spoke with some authority. Whatever may be the position in this country, there is no doubt that the union of the Indian communities overseas is of paramount importance in connection with their own self-defence. Fourthly, mention has been made of the ugly face of racialism which appears to raise itself in different parts of the Empire and which has shown some signs of increased life even in my own country. That is bad and I do hope that wherever we get a chance of hitting that vicious principle of racial arrogance, we should hit it hard. We have a marvellous opportunity at the moment in the present war, of hitting the supreme example of racial arrogance in connection with our hostilities against the Nazi regime. But my real point in mentioning this matter is to suggest to my Honourable friend, Mr. Lalchand Navalrai, and to others who think like him that retaliation is not necessarily the best and the only weapon. Retaliation is a double-edged sword which can only be wielded and should only be wielded when we are perfectly certain that it will not recoil against us to our

[Mr. F. E. James.]

disadvantage. Where you are particularly strong, strike; where you are weak, wait. That, to my mind, seems to be a correct summing up of the position of India in this matter at this time.

Sir Girja Shankar Bajpai: Mr. Chairman, I should like in the first instance to join with Mr. James in congratulating the Honourable the Mover of this Resolution. He has, as Mr. James said, rendered a public service in focussing the attention of this House once more on what may be a perennial with us, but what is a thorny perennial and, as such, needs very careful and very attentive handling. I should like also to acknowledge the temperance, the moderation and the lucidity with which my Honourable friend has moved his Resolution. Temperance is a quality which might not appeal to the more fiery gentleman who sits on the Mover's left but it is a quality which those who recognise the difficulties of the problem will appreciate as being necessary for the treatment of it.

Now, Sir, before I pass on to the many points that have been raised in the course of the discussion, both general and particular, I should like to express to Mr. James what I am sure the Honourable Kunwar Sir Jagadish Prasad will feel, his gratitude for the very kindly and generous reference that he has made to his work during his terms of office as Member of the Executive Council. I know that it was Sir Jagadish's intention to be present here today but, unfortunately, he is confined to his bed with a severe attack of fever, and that, rather than any lack of courtesy to the House, is responsible for his absence from the House today. As to what Mr. James had to say with regard to me, generous as it was, I wish to mention a story, I believe authentic, relating to the first Lord Chatham. He had, in his day, in the House of Commons been a great opponent of the then ruling King, George III. Ultimately, political events so shaped themselves that King George III summoned the Earl of Chatham and asked him to accept the high office of the First Lord of the Treasury. Lord Chatham was, apart from being a great debater, also a great courtier and he said: "Sire, give me your confidence and I shall deserve it". And the reply of King George, of whom wit was not characteristic but who was witty for once, was, "Deserve my confidence and have it, you shall". Sir, I should leave my relations as regards the exchange of confidence between the House and myself at that. At any rate I can give Honourable Members the assurance that it will always be my endeavour to deserve their confidence.

Now, Sir, my Honourable friend, Sir Syed Raza Ali, who spoke with the authority that belongs to an ex-Agent of the Government of India, and not merely an ex-Agent of the Government of India in South Africa, but a very careful student of overseas problems, suggested that there had been some lack on the part of the Government of India of confidence in Honourable Members of this House with regard to Indians overseas, that when we spoke, we spoke with mental reservations. Sir, he has held a quasi-diplomatic office and, therefore, he would appreciate better than most of us the inhibitions that sometimes press upon us, despite the desire that surges in us to take the world into our confidence. But in so far as the general position is concerned, I can do no better than

quote from some of the observations which I had occasion to make during the discussion of Mr. Avinashilingam Chettiar's cut motion on the 16th March, 1939. This is what I said then :

"We are glad, Sir, that the House has brought up this discussion because it gives us an opportunity to ascertain the views of Honourable Members, not that these views need be ascertained, they are pretty well known—and it will strengthen the representations that we shall be able to make to other governments; the realisation that in this matter, the Government of India have behind them the opinion of the people of this country and their representatives is undoubtedly a very great asset to us."

That, Sir, was the attitude of the Government of India then and that is the attitude of the Government of India today. And, subject to the limitations of public interest, Honourable Members may rest assured that everything with regard to Indians overseas that can be disclosed or published shall be disclosed and published. My Honourable friend, Syed Ghulam Bhik Nairang, is a man of versatile abilities; he is a politician, he is a debater and he is also a scholar of Persian

An Honourable Member: And a poet.

Sir Girja Shankar Bajpai: Yes, and a poet as well and what I am going to quote has something of poetry, even if it is not poetry that is capable of scansion according to Persian prosody. My Honourable friend enumerated a long list of the difficulties of Indians in Ceylon. I shall say to him :

"Guzashta ra salawat, aında ra ihtiyat."

It is on that principle that I propose to deal with these points which relate to the future and not to the past.

Mr. F. E. James: Will the Honourable Member please translate the Persian quotation which he just made.

Sir Girja Shankar Bajpai: "We say salutations of peace to what is past and we say caution for the future".

Maulana Zafar Ali Khan: "Let by-gones be by-gones" would be a more correct translation.

Sir Girja Shankar Bajpai: I was giving a literal translation and not a colloquial translation as my Honourable friend with his greater knowledge of Persian has done.

Maulana Zafar Ali Khan:

*"Gar zi dast-e-zulf-e-mishkinat, khatai raft raft,
War zi hindu-e-shuma bar ma jafai raft raft."*

Sir Girja Shankar Bajpai:

"Un che man guftam, un ham raft . . ."

Mr. Chairman (Mr. M. S. Aney): I hope the Honourable Members will realise the difficulties of the Reporters in taking down these remarks in Persian.

Sir Girja Shankar Bajpai: I can assure you, Mr. Chairman, that I did not diverge into another language because of a great desire on my own part to do so. But, being interested in Persian myself, when others provoked me, I found, like Oscar Wilde, that it was very difficult to resist the temptation.

Sir, the point on which my Honourable friend, Syed Ghulam Bhik Nairang, laid great stress was the projected immigration restrictions in Ceylon. As regards that, I think I can inform him that as soon as we heard of this, the requisite approach was made to the Government of Ceylon. And, speaking on 1st August last year, His Excellency the Governor of Ceylon stated publicly that any definite proposals for restriction of immigration into Ceylon would be referred to the Government of India and that any legislation in this direction would have to be reserved for the signification of His Majesty's pleasure. No project of such legislation has yet materialised, but we have assurances which give us an opportunity of doing what we can to safeguard Indian interests.

Then, Sir, from Ceylon I pass on to Burma. The story of the riots in Burma has been discussed in this House more than once and it would be tedious for me to attempt to repeat it. The main point arising out of the riots, on which my Honourable friend laid great stress, was that of compensation. We have, as my Honourable friend, Sir Syed Raza Ali, can testify, from personal knowledge, addressed a very strong representation on that subject to His Majesty's Secretary of State for Burma. It is true we have not yet had his final answer, but I can assure the House that that point has not been lost sight of. As regards the general relations between the two communities, my Honourable friend himself conceded that there had been some improvement. I can testify on the evidence of our Agent that, in so far as the interior of the country is concerned, and even in the cities, on the whole the atmosphere today is much better than it has been for some time.

Undoubtedly there is legislation still pending or passed with regard to which there is controversy. One of the most important pieces of legislation pending relates to land purchase so that the Burman cultivator may be settled on the land. That is a subject of discussion between us and the Government of Burma, and my Honourable friends may have seen this morning in the *Statesman* newspaper a report, showing the result of that discussion. Apparently a solution has been evolved which is not altogether unacceptable to the Indian community in Burma, but we have not given up, as it were, that particular matter, and it still continues to receive our attention in order to ensure that further grievances which are still to be redressed, in so far as in us lies, shall be redressed. Sir, the Riots Enquiry Committee, to which my Honourable friend referred, mentioned immigration as one of the causes that had tended to inflame the relations between the two communities. That particular subject is being investigated by a special commission today and its report is not yet available. But when it becomes available, we shall examine it and see what action thereon is called for.

Now, Sir, I shall pass on from the particular instances which my Honourable friend, Syed Ghulam Bhik Nairang, brought up to one which was referred to by my Honourable friend, Sir Syed Raza Ali, that relates

to certain controversies which have arisen in Natal with regard to the undertaking which the Indian community there has given as regards the voluntary abstention by Indians from the purchase of land in predominantly European areas. I think, Sir, my Honourable friend, Sir Syed Raza Ali, must have been misinformed as to what exactly has happened with regard to it. I happen to have with me here the relevant literature on that subject. As long ago as 1936-37, and I am quoting from the report for that year, paragraph 64—I give the reference for the convenience of Honourable Members—the then Agent General, my Honourable friend, Sir Syed Raza Ali, mentioned that an agreement was arrived at between the Municipal Association and the Congress—the Natal Indian Congress—whereby the Association undertook to bring to the notice of the Congress any case in which an Indian endeavoured to purchase property in the European residential area and the European community opposed it. And the Congress on their part undertook to endeavour to persuade the person concerned from effecting the purchase.

I think the word “dissuade” was intended.

That, Sir, is the engagement or agreement which has been reaffirmed recently by a meeting of the Natal Indian Association; and if there should be any suspicion that the extracts that I have read out already had not the support of the Natal Indian Congress, I shall proceed to read out a Resolution which was passed by a conference of the Congress in December 1938. This Resolution said:

“This conference observes with regret a recrudescence of the cry of penetration of European areas by Indians.

This conference records its most emphatic opinion that the Indian community has not been guilty of penetration of European areas. There has taken place a gradual expansion of Indian areas necessitated by the increase of the Indian population. But the Congress has arrived at a working agreement with the Natal Municipal Association whereby individual Indians are deterred from purchasing residential sites in European areas, and this conference has pleasure in recording that this agreement has worked most satisfactorily.”

I have just quoted that in order to make it clear to the House that what our Agent-General has done on this occasion, without involving himself in the personal controversies, is to associate himself with the policy which the Congress itself has adopted in the past; and he has done so for reasons which my Honourable friend, Sir Raza Ali, will appreciate better than anybody else in this House, namely, that the situation in South Africa in so far as the Indian question is concerned is so critical, the marshalling of political parties within Parliament so evenly balanced, that we have to go very carefully indeed lest worse befall us. Honourable Members will recollect,—and Sir Raza Ali referred to it in the course of his speech this morning,—that last year we were actually threatened with legislation which would have placed segregation on a permanent basis. The present ministry has given an assurance that it is not going to bring in any such legislation. All that it proposes to do is to set up a commission which will be a fact-finding commission, pure and simple. I think Honourable Members will agree that in the situation which I have attempted to describe it is desirable that the path of discretion and the path of prudence, which are also the path of safety and the path of honour, should be followed by all concerned.

Sir Syed Raza Ali: Sir, I am afraid that is not the point. I do not want to interrupt my Honourable friend, but the point is this. The fact-finding commission will be set up in the Transvaal and it can ascertain the extent of Indian penetration into the European areas. But who introduced this question in Natal and why should Indians give any guarantee whatsoever in Natal? That was the point.

Sir Girja Shankar Bajpai: The extract which I read out related not to the Transvaal but to Natal. My Honourable friend knows as well as I do that specially in and around Natal this question of Indian penetration has been a live one for a long time. I am not at this stage suggesting that the Government of India should deviate to the extent of a hair's breadth from their opposition to statutory segregation that they have put up in the past or that they propose to put up in the future. I am merely trying to disabuse his mind of certain misapprehensions as to what exactly the Natal Indian Association has done and what the share of the present Agent-General in the activities of the Natal Indian Association is.

Now, Sir, before I pass on to the general part of the Resolution I should like to answer certain special points which were made by my friend, Mr. Lalchand Navalrai. He first of all wanted to know what the attitude of the Union Government was with regard to mixed marriages. The Minister of the Interior has given an assurance that there is to be no legislation with regard to mixed marriages, at any rate for the duration of the war. His second question was, what was happening with regard to the segregation scheme. I have already explained to the House that the segregation scheme is in cold storage, at any rate for the moment, and that the preliminary of it, which we have asked for and insisted on, namely, a fact-finding investigation, is in hand. Then he wanted to know something about the Kenya Immigration Ordinance. The position as regards that is that we have had an assurance from His Majesty's Government that both the provisions of the Ordinance to which the Indians had taken exception were not going to be administered adversely to the entry of Indians into Kenya.

Now, Sir, I pass on to what I called the general aspects of the problem. There you have, as my Honourable friend, Mr. James, pointed out to draw a distinction between the colonies and the self-governing dominions. So far as the self-governing dominions are concerned, His Majesty's Government are merely the allies of the Government of India in any representation that may be made. So far as the colonies are concerned His Majesty's Government are the ultimate arbiters of any decision that may be taken. We at this end have never hesitated to draw attention to that distinction. We have said that we recognise that His Majesty's Government may not be able to help us in South Africa, except in the matter of according to us their moral support, that we must carry on ourselves as best we can. Equally we have conceded that in regard to countries like Ceylon and Malaya His Majesty's Government can and should help us directly. That is in so far as the constitutional position is concerned. Then, as regards the method of approach, retaliation has been mentioned. If you want retaliation, apart from the fact that it is undesirable for integral parts of the same political unit to be indulging in retaliation against each other, you have to consider whether retaliation is practicable or not. On more than one occasion in the past I have

ventured to explain how, so far as the self-governing dominions are concerned, ours is rather a weak hand. In so far as the colonies are concerned, specially those to which emigration is still permitted, we are in a stronger position; and I have informed the House in answer to questions on other occasions that we have had to warn these colonies that we were not going to sit supine and silent over action which we considered to be discriminatory against our nationals. The ban on emigration to Ceylon and the ban on certain kinds of emigration to Malaya are instances of that.

I do not think, Sir, that very much more remains for me to say on the subject of this Resolution. But before I announce the acceptance by Government of it, I should like to add one personal word. This war is being fought for certain ideals. Nobody can predict at the moment what the outcome of that war is going to be; nobody can say for certain whether victory is going to shine on the swords of the allies or whether it is not. But speaking for myself, and I think most Members of this House will share that view, if victory should come, we hope that that will also give a radiant light which would ensure that Indians in the self-governing dominions are meted out even-handed justice.

Syed Ghulam Bhik Nairang: Sir, after the very reassuring speech of my Honourable friend, the Education Secretary, I have nothing to say by way of reply to the debate. In fact whatever has been said has been said in support of my Resolution and nothing to oppose it. Therefore, Government having accepted it, you may put the Resolution to vote.

Mr. Chairman (Mr. M. S. Aney): The question is:

"That this Assembly recommends to the Governor General in Council to convey to the Secretary of State for India the opinion of this House that steps should be taken as early as possible to bring about the removal of disabilities to which Indians are subjected in various parts of the British Commonwealth of Nations."

The motion was adopted.

RESOLUTION *RE* UTILIZATION OF THE KAMRAN DUES FOR THE ACCOMMODATION OF PILGRIMS.

Khan Bahadur Nawab Siddique Ali Khan (Central Provinces and Berar: Muhammadan): Sir, I beg to move the following Resolution:

"That this Assembly recommends to the Governor General in Council that a portion of the savings of the Kamran dues realised from the pilgrims of Hedjaz be utilized in building a suitable house at Karachi for the accommodation of pilgrims."

Sir, it seems necessary that I should give a short history of Kamran quarantine station. This quarantine station was first established by the Turkish Government when Hedjaz was in their possession before the Great War. This was done to protect their country from the import of any diseases. After the Great War when Turkey lost possession of the Hedjaz, the British Government took over the control of Kamran island and quarantine station. Sometime thereafter, an international sanitary convention was signed at Paris to which India was a signatory. But it is interesting to know that this convention has not been ratified by India till this day. Under this convention it was made obligatory for pilgrim ships coming from the East, *i.e.*, India and Java, bound for Hedjaz to call at Kamran and to undergo quarantine if infected with any diseases. The

[Khan Bahadur Nawab Siddique Ali Khan.]

usefulness of this quarantine station, at least as far as Indian pilgrim ships are concerned, was understandable up to a few years ago, when vaccination against small-pox and inoculation against cholera was not compulsory. But now, when since the last five to seven years vaccination and inoculation has been made a compulsory condition before pilgrims are allowed to embark on ships, the usefulness of the quarantine station has been lost, as will be proved by the fact that during the above period not one ship has been put into the quarantine. The only formality that pilgrim ships have to undergo at present at Kamran is to call there, when the Civil Administrator and the Medical Officer of the island come on board the ship, have a chat with the captain, of course, accompanied by some drinks or refreshment, have a cursory round of the ship and go back to the island after signing a clean bill of health for the ship. The usefulness of Kamran quarantine station has now been further lost in view of the fact that the present Government of Hedjaz, for the protection of which country from diseases, this quarantine station was originally established, have now established a quarantine station of their own at Jeddah, for the maintenance of which a fee of about Rs. 25 is charged from each pilgrim. Pilgrims coming from Egypt or Sudan have not to call at this or any other quarantine station on their way to Hedjaz. It is only on their return journey, that they have to undergo quarantine before entering Egypt or Sudan, and that too because, firstly, the Governments of Egypt and Sudan want to protect their countries from any diseases which the pilgrims might bring from a huge and mixed gathering in Hedjaz, and secondly, the duration of the voyage from Jeddah to Suez or Port Sudan is less than three days and therefore under the international law this duration at sea is not enough to clean any infection which they may have. It must further be remembered that Indian pilgrims on the return journey are not to undergo any quarantine anywhere, as their voyage at sea extends to over five days. On the outward voyage from India to Hedjaz also it definitely takes more than five days to reach Kamran and therefore as also in view of the fact that there already exists a quarantine station at Hedjaz, there is no reason why ships should be made to call at Kamran.

Formerly pilgrims were being charged Rs. 10 each as Kamran quarantine fees. It was however reduced later to Rs. 8, and since 1938 it has further been reduced to Rs. 3. But even this is not necessary. Apart from the question of fees and the unnecessary inconvenience caused to the pilgrims, there is also another disadvantage which the pilgrims and the shipping companies have to suffer. The anchorage placed for ships at Kamran is inside a gulf, the way of which is not clear and the water is shallow. There are no light-houses. As such the ships have to reach Kamran in the day in good time to be able to go in, stay there for two or three hours and come out again before it is too late in the day. It has, therefore, been the practice with ships to either reach there before 2 P.M. or, if they cannot reach by that time, to slow down and reach there the next morning. This affects her arrival at Jeddah. For at Jeddah also ships have necessarily to reach there before 11 A.M. or 12 NOON at the latest as otherwise it has been found to be very difficult for the pilgrims to disembark in boats in the afternoon as then the sea gets very rough. Therefore, again here by the delay at Kamran if the ships cannot reach Jeddah in time, they slow down again and reach the next morning. Thus there

is a definite delay of at least 24 hours, if not more, by this unnecessary call at Kamran.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

During the year before the last, on the 14th September, 1938, Dr. Sir Ziauddin Ahmad, the Secretary of my Party, had asked a question to this effect:

"Will the Secretary for Education, Health and Lands be pleased to state the savings in the Kamran fees since 1930"?

My Honourable friend, Sir Girja Shankar Bajpai, replied to that question in the following words:

"The amount of these stands at Rs. 4,34 lakhs."

But, Sir, may I suggest to the Honourable Member that this money be utilised for building a suitable house at Karachi for the accommodation of pilgrims. The housing arrangement at Karachi is not what it should have been. I do not want to say much on this subject as I fear that my friends, Mian Ghulam Kadar Shahbhan and Haji Sir Abdoola Haroon, will get angry with me as they happen to be members of the Karachi Haj Committee. I hope the Honourable Member in charge who has been elevated to the high position, the honour, which I think he richly deserves, will as usual sympathetically consider this matter and redress this long standing grievance of the Hajis. Sir, I commend my Resolution for the acceptance of this Honourable House.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

"That this Assembly recommends to the Governor General in Council that a portion of the savings of the Kamran dues realised from the pilgrims of Hedjaz be utilised in building a suitable house for the accommodation of pilgrims."

There is an amendment in the name of Khan Bahadur Shaikh Fazl-i-Haq Piracha.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I move:

"That in the Resolution, the words 'a portion of' be omitted and the words 'and that no such dues be realised in future' be added at the end."

Sir, in moving my amendment, I congratulate my friend, Khan Bahadur Nawab Siddique Ali Khan, for having come forward with a Resolution which aims at providing the pilgrims to Hedjaz a suitable house at Karachi, which will be built not at the expense of the Government, but with the money realised from the pilgrims themselves. I do not think that any Honourable Member in the House will oppose this beneficent Resolution. Sir, while supporting the Resolution, I differ from the Honourable the Mover in two points. Firstly, I would propose that instead of a part of the saved money the whole of the savings be spent in providing the proposed accommodation, and, secondly, that no dues be charged from the Hajees in future as Kamran Quarantine dues, because under the present conditions it is not at all required to maintain a quarantine station at Kamran. Sir, the saving which I understand is over four lakhs of

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

rupees is an amount which is realised from the Hajees to meet the proportionate expenditure of the quarantine station at Kamran with the Dutch Government, and should be spent for the benefit of the Hajees only. The expenses of the quarantine station have decreased very considerably and it is therefore on that account that the Quarantine charges have come down from Rs. 10 per head to Rs. 3 only, and there is no chance of the increase of the expenditure at all. There is no use keeping such a big amount in reserve and the whole amount should, therefore, be spent as proposed by the Honourable the Mover. Sir, there is no suitable accommodation provided for the Hedjaz pilgrims that embark the ships at Karachi and which are in thousands every year. The existing Hajee camp besides being not at all sufficient to accommodate all the pilgrims and is in a deplorable and most unsuitable condition. I do not think that in this state of affairs any Honourable Member of the House will deny the Hajees being provided with a commodious and suitable building at Karachi, at the expense of the money realised from themselves. I do not know what do the Government propose to do with this money. But it is a patent fact that the money is that of the Hajees and should be spent for their benefit only.

Sir, as to the second point of my amendment, that is, that no Kamran quarantine dues be realised in future, I beg to submit that since the last many years it has been made compulsory for each and every pilgrim proceeding to Hedjaz to get himself vaccinated and inoculated before he can be allowed to embark a pilgrim ship. Sir, in doing this, the chance of passengers getting or carrying any infection is a remote one. It is on that account that in the International Sanitary Convention it is laid down that, when all the pilgrims on board are protected against cholera and smallpox, they will not be required to undergo the prescribed measures of disinfection at the Kamran quarantine station. If the reports of the last six or seven years of the Kamran quarantine are seen, it will be found that not a single pilgrim ship from India had to be stopped in quarantine, as it was not needed at all. If such is the case why maintain the quarantine at all and burden the Hajees with unnecessary expense? To keep a quarantine station at Kamran appears to be absolutely useless for the Hedjaz pilgrims when the Hedjaz Government are themselves keeping a quarantine station at Jeddah and are charging Rs. 25 from each Hajee on that account. This is a sort of double payment that a Hajee has to make for one thing, and it is on account of this that I propose that the quarantine station at Kamran should be abolished for the purposes of the Indian Hajees at least. By doing so the Hajees will be relieved of an unnecessary burden of quarantine fee and the voyage to Jeddah shall be expedited and therefore a proportionate expenditure on food, etc., will also be reduced.

Under the present system, the steamers only stop for a couple of hours at Kamran where they have only to make a formal call. The civil administrator, accompanied by the medical officer of the Island, visit the ship for a moment and go away. For this formal call it is quite unreasonable to charge the Hajees Rs. 3 each which amount appears to be too much as compared to the utility of the quarantine station. I would urge upon the Government to abolish the calling of the pilgrim ships at Kamran altogether and discontinue charging any fee from the Hajees. If

however, the Government are not prepared to agree to this proposal, I would suggest that in view of the very little work required to be done at Kamran, the expenses there be curtailed to the lowest possible limit, and the Kamran fee be reduced to a rupee per head only. Sir, I move my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in the Resolution, the words 'a portion of' be omitted and the words 'and that no such dues be realised in future' be added at the end."

If the amendment be adopted, the Resolution will read thus:

"That this Assembly recommends to the Governor General in Council that the savings of the Kamran dues realised from the pilgrims of Hedjaz, be utilised in building a suitable house at Karachi for the accommodation of pilgrims, and that no such dues be realised in future."

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I rise to support the Resolution with the amendment of my friend, **Khan Bahadur Piracha**. Sir, this matter of what is known as the Kamran dues has been not only a mystery to the Muslim community in India, but a source of constant complaint and heart-burning. Sir, it was in the year 1929 that I had the privilege of proceeding to the Hedjaz to perform the sacred duty of pilgrimage, and it was then that I tried to ascertain the position. Before that time the pilgrims at any rate never dreamt that out of the amount of the fare they paid to the shipping companies, an amount of Rs. 25 per pilgrim was being regularly appropriated by the Government for some purpose. They did not then know even this bare fact. Much less did they know to what account the amount so collected was charged because they were not even aware that Rs. 25 per head used to be paid to Government by the shipping companies out of the fare realised from the Hajis. I had a year before collected some information about certain grievances of the pilgrims, prepared a memorandum and sent it on to the Government of India, and copies had been forwarded to every Muslim Member of the Legislative Assembly and the Council of State. On this occasion when I made the discovery about this Rs. 25 per pilgrim, during the course of my voyage and my sojourn in the Hejaz, and on my return I collected further materials and prepared another memorandum in which I raised the objection that Government appeared to be levying a tax on the performance of a religious duty. That memorandum of mine was laid before the Haj Enquiry Committee and I was specially summoned to give evidence before it and it was for the first time then that I was told by the Honourable the President of the Haj Enquiry Committee that I was mistaken, that the performance of a religious duty was not being taxed, and that this Rs. 25 which certainly was paid to Government by the shipping company out of the fare paid by the Haji, was on account of two things. Rs. 15 was paid to the Hejaz Government out of this, and Rs. 10 was meant for the maintenance of the Kamran disinfection station, so that there was no tax levied on the Hajis for performing their Haj. Then it became a question why this Kamran station should be maintained at all, and why the Hajis should pay for it, because it was a certainty that every Hajji resented being detained there and being subjected to a process which was called disinfection but

[Syed Ghulam Bhik Nairang.]

which really served only to make the Hajis undergo a most uncomfortable process, which at any rate made their persons and clothes unclean and unfit to perform their prayers. They had to change their clothes, bathe again and make their bodies clean in order to be fit for offering prayers. They not only felt it as so much personal inconvenience, but resented it as being against their religion. Anyhow, the objection was, "If for some reason of your own you want to maintain the Kamran station, why should you charge me for the maintenance of that station, and in that way add insult to injury? You charge me Rs. 10. You render my clothes and my person dirty, you make me unfit to perform my prayers, I have to bathe again and change my clothes. What is this charge of Rs. 10?" Then, the Honourable the President of the Haj Enquiry Committee showed me a document. He said, "My friend, you do not know. This is a matter in which the Government of India, or for the matter of that, His Majesty's Government are powerless. Here is a convention between 59 civilised Governments who have decided that in order to prevent the spread of infection and importation of any disease into Hejaz ships must be detained at Kamran and disinfection must take place. People suffering from infectious diseases should be detained in quarantine. All that has got to be done under this convention, and so long as we are compelled to maintain the Kamran station a charge has to be levied for this purpose." As far as I am aware, before that time nobody knew that there was any charge being levied for the maintenance of the Kamran station under an international convention entered into by 59 civilised Governments. Anyhow, since that time this knowledge has become public. Before that the initiated few like Sir Girja Shankar Bajpai might have known it, but the public did not know anything about it. It is a matter of gratification that, at any rate since that time, the charge of Rs. 10 has come down to Rs. 3, and although I have not looked into that matter myself, I am told that the Government of the Hejaz has raised their demand from Rs. 15 to Rs. 25 per Haji for the maintenance of their own disinfection station or quarantine, whatever it is. It is a matter to be considered by the Government of India whether the continuance of this Rs. 3 per Haji on the ground of necessity to maintain the Kamran station is a valid and proper charge against the Hajis. The Haji is justified in not only objecting to it but resenting this demand as virtually another hurdle in his way to perform the Haj. There are so many other things which already stand in the way of his performing that sacred duty, for instance, the insistence on his getting a return journey ticket. Many people consider it an obstacle, artificially raised in the way of performance of the Haj, but leave that alone.

There may be good reason for insistence on the return journey ticket because otherwise there may be so many destitutes in the Hejaz for the Government of India or for the Kingdom of the Hejaz to repatriate. But why should this Rs. 3 be continued to be charged or any charge whatsoever be levied because under a certain alleged convention of 59 civilised powers which do not appear to pay a pie for the maintenance of that Kamran station—why should the Government of India feel compelled to exercise compulsion on the Hajis to pay Rs. 3 because the Kamran station must be maintained? I submit there appears to be every reason for abolishing this most objectionable tax on the performance of the Haj, and whatever

money lies collected out of the monies so far levied should be utilised for erecting a rest house or *Musafirkhana* for the accommodation of Hajis at Karachi. I beg to support the Resolution.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): I rise to whole-heartedly support the amended Resolution of my Honourable friend, Khan Bahadur Nawab Siddique Ali Khan. As a member of the Haj Enquiry Committee I had the honour of visiting all the Haj ports, namely, Calcutta, Bombay and Karachi. The arrangement made at Karachi was hopelessly bad, so much so that even then we felt the necessity of putting up a decent rest-house for the comforts of the Hajis. Now, the necessity is felt all the more. So, it is necessary that the amount of nearly four lakhs realized from the pilgrims should be utilised towards the construction of a house for the convenience of the pilgrims. But in so doing, Sir, the Government should call for reports from the three Port Haj Committees. So far as Karachi building is concerned, I do not think a sum of four lakhs will be necessary. Moreover the Government of India in the interest of the public good is bound to pay half the building grant for the proposed building. So if the building itself is to cost even four lakhs of rupees, the Government should be prepared to set apart two lakhs as building grant-in-aid. So far as Calcutta and Bombay ports are concerned, it may be necessary to attend to the comforts of the pilgrims embarking from those two places. Therefore this sum of Rs. 4 lakhs which has been lying idle with the Government of India for the last so many years should be added to in equal amount of four lakhs, for which I do not think there will be any objection by the Auditor General or the Finance Member. So my humble suggestion is that in addition to the requirements of pilgrims at Karachi, the Port Haj Committees at Calcutta and Bombay should also be called upon to submit their reports as to what their requirements are and the amount which has been realised as quarantine fee at Kamran at the rate of Rs. 3, and previously at the rate of Rs. 10 per pilgrim, which has now amounted to four lakhs, should accordingly be distributed. As regards the abolition of this fee of Rs. 3, there is very strong reason to advocate its cause. Formerly a sum of Rs. 25 was being levied from each and every pilgrim out of which, the Government of India got Rs. 10 and Rs. 15 went to the Government of the Hedjaz. When the Government of the Hedjaz itself gets Rs. 25 per pilgrim man this additional levy of Rs. 3 on every pilgrim is quite unjust nor is it necessary. The previous speakers have spoken at length on the non-necessity of levying any fees at all. See the injustice meted out in the case of pilgrims who go to the Hedjaz for the performance of a religious duty which is incumbent on every Muslim who can afford to meet the expenses. They say it is in the interest of sanitation that provision has been made by way of inoculation and vaccination. When no other nation such as Holland and others pays even a single pie towards the upkeep of Kamran quarantine, where is the necessity of the Government of India maintaining quarantine establishment at Kamran.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): On a point of information. My Honourable friend is not correct. Pilgrims coming from the Dutch East Indies pay exactly the same fee as pilgrims going from India.

Maulvi Syed Murtuza Sahib Bahadur: What about other nationals?

Sir Girja Shankar Bajpai: Every Muslim pilgrim to the Hedjaz from what is called the South-east region, that is to say, the Dutch East Indies, the Straits Settlements, Ceylon and India pays them.

Maulvi Syed Murtuza Sahib Bahadur: Now, when there is no necessity of having quarantine at Kamran the collection of this may be put an end to. With these few words, I support the amended Resolution.

Maulvi Muhammad Abdul Ghani (Tirhut Division : Muhammadan) : I want to make some observations regarding the necessity or otherwise of the Kamran quarantine. Here in India I find that every sort of facility is given to the persons who go on pilgrimages within the country. Concessions in the Railway fares and all sorts of arrangements are being made every year for the upkeep of the Indians who go on pilgrimage within the country and no fee is charged from lakhs of people. I fail to understand why a handful of poor Muslim pilgrims from India, say 29,171, are not extended the same concessions as already pointed out. The figure first quoted is for the year 1937-38. I am not in possession of the number of pilgrims this year—so I must content myself with the figures for last year as given in the report. It is said that Rs. 3 is charged per head for the upkeep and establishment charges at Kamran quarantine. If you look at page 2 of the Report of the Civil Administration of the Kamran quarantine station for the year 1937-38 you will find that the total number of Hajjis going *via* Kamran is 37,543 and the dues realised from them comes up to Rs. 2,88,666. This comes up to Rs. 7.6 per Haji if the average is taken but only Rs. 3 is said to be charged. I cannot say how.

Sir Girja Shankar Bajpai: I should just like to explain the discrepancy between our charge of Rs. 3 and the total figure which my Honourable friend has mentioned for that particular year. The explanation is this, that pilgrims from India paid only Rs. 3 but pilgrims from other places paid Rs. 8.

Maulvi Muhammad Abdul Ghani: Number of pilgrims from India, according to the last report available, is 29,171 and they had to pay Rs. 87,513 at Rs. 3 per head. Other Governments may or may not pay but, irrespective of their payment, the sum of Rs. 87,513 is a very enormous sum for the upkeep of the station at Kamran if it is at all needed.

Before I make some observation regarding the higher or the lower charge, I want to tell you, what sort of help is given to these poor Hajjis. If there is any suspicion of any disease, then the Hajjis are asked to come from board the ship. They have to go to a house and some kind of dirty water in a dark room is sprinkled and all their clothes become wet and they have to come back again to the ship in that condition. This is all they get in return for the payment of Rs. 3 per head. You know, Sir, in these days, whenever the Haji intends to travel, he gets himself inoculated and those of them who remain uninoculated, they get it done at the port of embarkation. And in this matter if any strict measure is taken by the Government nobody will grudge. After they are inoculated, I do not understand what is the necessity of asking these Hajjis to get themselves again disinfected. If there is at all any necessity of getting them disinfected, they should be disinfected at the port of embarkation. They

should not be detained there and there is no necessity of throwing soiled water on them and defiling their clothes with which they cannot offer their prayers. Besides these difficulties they have to pay a fee for their being defiled, which is Rs. 3. They have not to pay these three rupees only but, as it has already been pointed out, an additional tax of Rs. 25 which also includes Rs. 10 as a fee for the upkeep of the Kamran is charged. Why this double payment is made by them? I was all along thinking that we should secure some sort of facilities for these poor Hajis but instead of securing any facilities we find that they are put to many difficulties. I think it is very unjust and unfair on the part of the Government of India and it is high time that the Government should take this matter into consideration and abolish the Kamran quarantine fee altogether. It is the duty of the State to see that their people are well looked after out of the revenue which is being paid in India. No additional amount is required for the upkeep of health whenever an Indian goes out. There is no justification at all for that. Here in India the Health Department is being maintained at an enormous cost, but it is not any individual living in India who has to pay a tax for that. Not at all. No tax is being paid by any Indian within this country for the welfare and looking after of his health. The Public Health Department is run at the expense of public revenue and the Government should in all fairness send some officers there, if at all needed, and spend out of the revenue. If this is accepted, then the Indian subjects will be taken care of, but what about the Hajis from other parts of the Continent? In their case all that the Government of India can do is to ask for contribution from those countries from where these Hajis come. I hope the Government will seriously consider the equity and justness of the demand which is put forward in the amendment of Khan Bahadur Shaikh Fazl-i-Haq Piracha. I further hope that as the demands have been addressed by two Khan Bahadurs the Government will consider their claims favourably. With these words I request the Government to accept the Resolution as amended by Khan Bahadur Shaikh Fazl-i-Haq Piracha.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, on a previous occasion I pointed out to this Honourable House that pilgrimage to the Hedjaz was a cardinal principle of Islam, that every Mussalman is required to proceed to the Hedjaz at least once in his lifetime provided that he has got sufficient funds to defray the expenses of this holy journey. I also pointed out to this Honourable House and to the Government Members particularly that they owed a duty to the Mussalman subjects of His Majesty, who were at least ten crores in this country. Although on various occasions we have been given an assurance from the Official Benches that every thing is being done and every thing would be done for the Mussalmans so far as this pilgrimage is concerned by way of placing all facilities at their disposal; yet when we look into the question closely we find that nothing has been done. For instance, one small thing that could have been done for the Hajis was that return railway tickets on concession rates might be issued to every Haji who starts on pilgrimage, from say a town in the North-West Frontier Province and proceeds to Karachi and from there embarks on a ship to proceed to the Hedjaz. The Government, if they had been sympathetic, Department could have issued return tickets to the Hajis on concession rates and that could have gone some way towards being of some benefit to them. But even that much has not been done. That is of course by the way.

[Maulana Zafar Ali Khan.]

Coming to the Resolution before us, I lend my cordial support to the Resolution as put forward by my Honourable friend, Khan Bahadur Nawab Siddique Ali Khan, and amended by Khan Bahadur Shaikh Fazal-i-Haq Piracha. What is the gist of the whole Resolution and its amendment? The Honourable Khan Bahadur Nawab Siddique Ali Khan has gone closely into the history of Kamran and told us that before the Great War of 1914, Kamran was a Turkish possession and as Turkey was bound by international agreement, quarantine was established in Kamran, because European mind is very careful about how the East comes into contact with the West. All microbes of Cholera and Plague are supposed to come from the East and go to the West. So, at Kamran and at some other places on the coast of the Sanai peninsula there are quarantines and pilgrims proceeding from the East or the West must remain for a few days in those quarantines and undergo disinfection. When, as a result of the war, Kamran came into British possession, the same arrangements continued. I have been to Kamran myself and I know how they treat the pilgrims there. As a result of the fees levied and as a result of the taxes imposed at the rate of Rs. 3 per head, much money was made and that money, we are told, now amounts to four lakhs of rupees, which is lying with the British Government. Later on, when Sultan Ibni Saud came into his own, he established a quarantine at Jeddah and therefore the need for the Kamran quarantine no longer existed. The Indian Government ought to have abolished at once the quarantine at Kamran because there was no longer any necessity for it, but they did not do it. Now, Sir, except for the detention of the pilgrims for a few hours at Kamran, no other useful purpose is served by it. So, the first thing that we expect the Government to do is that the Kamran quarantine should be abolished altogether. The second thing that we want the Government to do is that the four lakhs which are lying idle with them should be invested in the construction of houses in Jeddah and Mecca for the benefit of the pilgrims and to this amount something should be added by the Indian Government out of its own revenues because, after all, they have got certain responsibilities and we expect them to be sympathetic towards the Mussalmans. After all, what is Islam? I have said times out of number that it consists of five great principles and one of these great principles is the Haj or the pilgrimage. So, you ought to place every facility in the way of the pilgrims. Do away then with Kamran and invest the four lakhs which you have already got lying idle with you in the construction of houses in Jeddah and Mecca and add a few lakhs from the Indian Treasury. Last of all, be sympathetic, because one touch of human sympathy makes the whole world kin and, applying the principle closer, one might say, one touch of British sympathy makes the Muslim world kin. That is what we want. With these few words, I lend my support to the Resolution moved by Nawab Siddique Ali Khan and amended by Khan Bahadur Fazl-i-Haq Piracha.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I rise to support the Resolution and for two reasons. One is that it is moved by my Honourable friend, Khan Bahadur Nawab Siddique Ali Khan, who comes from my part of the country. Secondly, I support it for the better reason that it relates to a question which is essentially of a religious nature. It has been repeatedly said and rightly said on the floor of this House by most

of my Muslim friends in the House that the Haj is one of the sacred duties of every Muhammadan and, if he has got the means, he must do it. So, I take it, that the Government which claims seven crores of Muhammadans and, according to my friend ten crores, as its subjects has a responsibility in this matter and they should see that every facility is placed in the way of their subjects to discharge their religious duties properly, efficiently and comfortably. The difficulties arising out of the Kamran quarantine have been detailed by those who have actually had the experience of them and so we must accept those facts and their accuracy cannot be challenged by anybody. The difficulty, as a matter of fact, is probably due to the International Convention by which the Government are bound.

Sir, I want to have information upon a few points before I sit down. I would like to know whether the ships which carry those Indians who go to perform their Haj also carry pilgrims from other parts of the world or whether the Indian Hajis alone go in those ships and there are no other persons in them? I see from the nod of the Honourable the Education Secretary that Indian pilgrims alone go in those ships and no other pilgrims go by them.

Sir Girja Shankar Bajpai: Except for a few from Central Asia.

Mr. M. S. Aney: But generally they are not there. So, I really do not see the propriety of asking the Indian pilgrims to go through a process of disinfection at the Kamran quarantine when they are inoculated here. Had they been in company with other persons coming from different places who might not have gone through inoculation, then there was at least some ground to apprehend that probably during the course of their journey they might have caught some kind of infection and a disinfection process might have been justified. But as it has been made clear that the Indian pilgrims go by themselves and there are certain kinds of restrictions already imposed upon them in the interests of their health before they embark upon their voyage, I think an additional trouble or harassment, if I may be permitted to use that word, calling upon them to go through a disinfection at Kamran quarantine station is wholly unjustified.

Then, there is also a third thing to be borne in mind. The Hedjaz Government has opened a quarantine station and, therefore, the Indian pilgrims have to undergo this process of disinfection and this trouble of quarantine measures twice. I, therefore, think that if it be not possible for the Government of India to put a stop to what the Hedjaz Government might be doing in their quarantine station, at least, so far as they are concerned, they can put an end to this bother which the pilgrims have to undergo at the Kamran station. I would ask them to go even a step further. They should try to induce the Hedjaz Government to dispense with the difficulties which their quarantine station creates in the case of our pilgrims, but that is not part of the Resolution here but which, I think, would be a natural corollary. If the Government of India decides to take that step, they would be in a position to dictate or write to the Government of Hedjaz to take proper steps in that direction.

There is another part of the Resolution on which I would like to have some information. It has become clear in the course of the questions and answers that have been given across the floor of the House that the money

[Mr. M. S. Aney.]

that is collected at Kamran is not collected purely from the Indian pilgrims as such. Pilgrims who come from other parts of Asia and who go to the Hedjaz have also got to pay something as their fees at the Kamran quarantine station, so that whatever surplus the Government of India may have is not entirely surplus recovered from the Indian pilgrims. That is the position. Anyhow I will ask the Government of India to do this. This is money recovered from the people who have left their homes for the sake of performing holy pilgrimage. So that money which is in their pockets and which is not spent by them even for the sake of quarantine remains in the hand. The money that is there is, I am told, to the extent of four lakhs or something like that. The best way for them to spend that money is for the sake of adding to the amenities and comforts of the pilgrims either in India or in the Hedjaz or in Jeddah or Mecca or some other place which has to be visited by the pilgrims. That, in my opinion is a very proper suggestion and if really there is no constitutional or other difficulties in the way of Government which they are unable to overcome, I do not see any reason why Government should not be able to abolish the Kamran station and also along with it the fee of Rs. 3 which is recovered from the pilgrims. I, therefore, support the Resolution.

Sir Girja Shankar Bajpai: Mr. President, after the fairly long speech which I made on the earlier Resolution today, I do not propose to inflict a long oration on Honourable Members this time. It is quite clear from what all Honourable Members speaking from those Benches have said that there is feeling, and a very strong feeling about this fee of Rs. 3 which is levied even from poor pilgrims proceeding from India to the Hedjaz to perform what is an Islamic injunction. I must confess that I share to some extent the feelings which have been expressed, and I think myself that, to the extent that it is possible for Government to help their subjects or nationals from this country to avoid payments of this kind, they should be assisted by Government. The difficulty, Sir, which I wish to bring to the notice of Honourable Members is a two-fold one. In the first place this island is maintained as a quarantine station, as I had occasion to point out the other day in reply to a question, not because of our will to do so but because of the obligations which we have assumed under the International Sanitary Convention. My Honourable friend, Khan Bahadur Nawab Siddique Ali Khan, said we had not ratified the convention. I may explain to him the secret of non-ratification. It was because there are certain maritime Indian States which were not prepared to come into the orbit of ratification and whom we could not compel to come in. So far as we, in British India, are concerned, we have assumed the obligation to conform to the requirements of this International Sanitary Convention. That is the first point.

The second point is that this quarantine station is not maintained by us alone. It is maintained by us in co-operation with the Government of the Netherlands East Indies and, so far as I know, they have not merely accepted the obligations of the International Sanitary Convention but have actually ratified the Convention. Now, Sir, any move that we make, whether in the direction of the reduction of the fee, or even the complete abolition of the fee, can be made only in conjunction with the Government of the Netherlands East Indies, and after an international settlement or arrangement which would absolve us from the obligation that we

have accepted under the International Sanitary Convention. I submit that while there is force in the arguments which Honourable Members from the Benches opposite, including my Honourable friend, Mr. Aney, have urged, we must be given a little time to examine those arguments and, what is more, to explore our international obligations and also consult with the other party in this particular arrangement. From that point of view, Sir, more than any other it is not possible for me at this stage, however sympathetic I am really with the wishes and views expressed on the other side, to accept the Resolution at the moment. That is in so far as Kamran is concerned.

But there is the other part of the Resolution which relates to the improvement of accommodation for Hedjaz pilgrims at Karachi. It has been suggested that some part of Kamran funds should be diverted for the purpose of those improvements. From what I have said already with regard to our joint responsibility for the administration of this island, and also from what I have said in answer to an interjection as to the sources from which the fees are derived, it would be clear that the money is not ours entirely to do what we like with, even if we were inclined to do so. But apart from that, it seems to me that the first claim of the Hajis with regard to improvements at Karachi is on the revenues of the Government of India and not on money which may have accrued to us from the levy of this fee.

Now, Sir, sometime ago I had occasion to inform the House that we had actually approved a scheme for the improvement of these quarters for the Hajis at Karachi at a total cost of one lakh and 64 thousand Rupees. Unfortunately, 1938-39 was a year of financial stringency which repeated itself in 1939-40. We were, therefore, unable to spend up to the full extent of our sanctioned estimates. We have effected some improvements at the expense of about Rs. 38,000, but I am not contending that all that can be done has been done. But in response to the very generous references made to me by my Honourable friend, Khan Bahadur Nawab Siddique Ali Khan, I would say this. Today I am speaking only as the Secretary in the Department, but a few days hence, I shall have a little greater authority in regard to this matter, and it will be one of my first duties to see what we can do at Karachi to eliminate as quickly as possible the legitimate grievances of the Hajis there. That, Sir, is all that I am in a position to say at this stage and I hope my Honourable friend would consider my answer conciliatory enough and sincere enough to justify him in not pressing this Resolution to a Division.

Khan Bahadur Nawab Siddique Ali Khan: Sir, a few minutes ago my Honourable friend, Maulvi Muhammad Abdul Ghani, advised the Government to accept this Resolution and the amendment moved by my Honourable friend, Khan Bahadur Shaikh Fazl-i-Haq Piracha, on the ground that the Resolution was moved by one Khan Bahadur and the amendment was moved by another senior Khan Bahadur. But my Honourable friend probably forgot to lay any stress on the point that the Government should consider it sympathetically and favourably. Sir, I knew that my Honourable friend, Sir Girja Shankar Bajpai, as usual would consider this matter sympathetically and whatever I had expected turned out to be true to a word and to a letter. Sir, in view of the statement made by Sir

[Khan Bahadur Nawab Siddique Ali Khan.]

Girja Shankar Bajpai that he will consider the matter favourably and sympathetically, I beg leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim): As the Resolution has been withdrawn by leave of the House, the amendment drops out.

RESOLUTION RE FISCAL POLICY OF THE GOVERNMENT OF INDIA.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council to appoint a committee of officials and non-officials to examine the present fiscal policy of the Government of India and recommend suitable modifications."

The subject matter of this Resolution is extremely important. The fiscal system of this country was inquired into by a strong Commission that was set up nearly 20 years ago. It had some very distinguished men as members and was presided over by a very eminent businessman. It toured the country on a very large scale and examined a very large number of witnesses, and, after having examined the subject very carefully, made a report which is a landmark in the direction of control of our fiscal policy. The fiscal policy of this country till then was in an extremely nebulous state. No careful examination had been held till then. There were a number of demands as to what should be the main features of our fiscal policy for the future, specially in view of the fact that the war of 1914-18 had just been concluded, leaving open for careful consideration a number of extremely complicated and difficult points. As this House will remember, a number of industries had been established during the period 1914-18, and the question that had to be very carefully taken into consideration was, what should be the policy of Government with reference to those industries. Protection was much in the limelight then. Every industry that had made some headway thought it had made good its claim to receive protection from the Exchequer. All these were important and weighty points and all these points were carefully considered.

Now, the report of the Fiscal Commission itself is a very weighty document, and with regard to the developments that the fiscal policy of the Government of India took later on, constant references were made to the formulation of our fiscal policy by this Commission. Subsequently the matter formed the subject of discussion in this House on a number of occasions. I do not propose at this stage to refer to those discussions at any length, but it is important to remember that a number of Tariff Boards were appointed in consequence of the recommendations that were made by the Fiscal Commission. Each one of these Tariff Boards that was charged with inquiring into a specific industry again examined and carefully went into all material and relevant questions connected with that particular industry and made recommendations in consequence of which protection in a number of cases was recommended to be given for a period by the Tariff Board. A number of Tariff Boards, as I pointed out, were appointed and they made their reports which were substantially accepted, after discussion in this House, by the Government of India. And, as :

result of the acceptance of those recommendations, we find that a number of industries are in enjoyment of protection. The question that was considered at that time and that will have to be considered again in connection with this Resolution is whether India should be out and out for a policy of discrimination or whether it should adopt a policy of discriminating protection. On going through the history of this question, it seems that at first the demand pointed to our industrialists not being satisfied with anything short of out and out protection. But, as a result of discussions that took place in this House, it was finally agreed that a clear distinction should be made between the two policies and that having regard to the stage which the development of our industries had arrived at the best thing for India would be to adopt a policy of discriminating protection. That policy is today in force and, as Honourable Members will remember, for some time honest doubts have arisen whether the Government of India are not helping these industries too much by giving them an amount of protection which is not justified by the circumstances of the case. I am sure, Honourable Members will remember the strong views that are held on this subject by certain Members of my Party as also by Members belonging to some other sections of the House on the question whether the policy pursued at present by the Government of India is not favouring the industrialist unduly at the expense of the consumer.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 28th March, 1940.